

CONFIDENTIAL.

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403

PART V.

FURTHER CORRESPONDENCE

RESPECTING THE

AFFAIRS OF NORTH AFRICA.

25

July to December 1883.

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ERRATA.

Page 172.—In 5th paragraph of Inclosure 3 in No. 210, 2nd line from end, for "That I should be brought" read "That I should decline to be brought," &c.
 Page 184.—In 1st line of last paragraph but one, for "Of the policy" read "Of the feeling," &c.

CONFIDENTIAL

Further Correspondence respecting the Affairs of North Africa.

PART V.

No. 1.

Sir J. Drummond Hay to Earl Granville.—(Received July 1.)

(No. 54.)

My Lord,

Tangier, June 25, 1883.

WITH reference to my despatch No. 53 of the 22nd instant relative to the intention of the Spanish Government to take possession of the site in Soos ceded by Treaty for a fishing station, transmitting copy of a despatch from Her Majesty's Consul at Mogador, reporting the movements of the Sultan's troops in the south, I have the honour to transmit an extract from a further despatch from Mr. Consul Payton, reporting steps taken by the Sultan to fortify the town of Tizneet in Soos.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 1.

Consul Payton to Sir J. Drummond Hay.

(Extract.)

Mogador, June 20, 1883.

IT is reported here that a party comprising an Ameen (Hadj Mlujoub Poofelaa), a scribe, and a number of masons and other workmen, are to start about Monday next for Tizneet, which place they have orders to fortify, and that they will take with them from the Custom-house here a preliminary grant for expenses of 1,000 dollars.

No. 2.

Mr. Curtis to Earl Granville.—(Received July 2.)

My Lord,

9, Crosby Square, City, June 29, 1883.

I HAVE had the honour to submit to your Lordship through Lord E. Fitzmaurice some papers relating to my trading as a British merchant in Sds, and as I am leaving again for that coast in a day or two, I venture to ask your Lordship if you will be pleased to give me an acknowledgment that it is within your knowledge that I am going out for that purpose.

Further, if your Lordship will send out instructions to Her Majesty's Agents to suffer me to continue my business at my own risk.

In my previous letter and interview with Lord E. Fitzmaurice, I think I fully explained the position in which I was placed.

I am, &c.

(Signed) J. CURTIS,

Foreign Agent Sds and North African Trading Company.

Consul Dupuis to Earl Granville.—(Received July 3.)

(No. 30.)

My Lord,

Teneriffe, June 21, 1883.

I DO not know whether I should take notice of occurrences out of this Consular district, but observing in the "Standard" newspaper lately reference made to the Mar Pequena affair, Cape Juby, and as to what befel the agent of the Sus and North African Trading Company, I was induced to send the paper to the representative of the North-west African Company at Cape Juby.

This gentleman now writes back to say that the account given in the paper as to what occurred to the agent appears to be very far from the truth; and thinking it might possibly be useful to your Lordship to know what really did happen, I venture to submit to your Lordship the following paragraph, which I have transcribed from the letter sent me:—

"A few days ago I received particulars of the whole affair from Morocco. A steamer, chartered by the Sus and North African Company, lay for some time anchored near Assaka, a place not far from Wadnoon; she landed and sold some food-stuffs. When the Moorish Sultan heard of this occurrence, he dispatched some soldiers to punish the tribes who had assisted at the landing of the goods, &c. Mr. Curtis and another representing the above Company were arrested and taken to Morocco, but neither the Sultan nor his Minister would see them. They are now, I believe, in Mogador."

With regard to the Mar Pequena affair, I may inform your Lordship that I believe the Spanish Commissioners are still at Mogador waiting definite instructions from the Madrid Government. The Moors, it now appears, contend that the place is near Puerto Conrado (not far from Cape Juby), while the Spaniards maintain that the locality they claim is higher up.

Meanwhile, with the exception of a few necessary materials for the expedition, which seem to arrive in dribblets from Spain, and some bakens and ovens, the Mar Pequena affair is dormant.

I have, &c.

(Signed) J. HUTTON DUPUIS.

No. 4.

Mfr. Reude to Earl Granville.—(Received July 3, 3:10 P.M.)

(No. 12.)

(Telegraphic.)

Tunis, July 3, 1883, 10:50 P.M.

IF, as correctly reported, abolition of the Capitulations is seriously contemplated, I respectfully but earnestly submit that a settlement of all pending claims should be insisted on as a condition precedent to such a measure.

The past procedure of the ruling French authorities does not inspire any confidence whatever in the future, and but for the fear of ill-treatment hereafter, British subjects in this country would rise in a mass and petition Her Majesty's Government against the abandonment of their Treaty rights.

No. 5.

Viscount Lyons to Earl Granville.—(Received July 4.)

(No. 414.)

My Lord,

Paris, July 3, 1883.

WITH reference to your Lordship's despatch No. 514 of the 21st June last, inclosing correspondence which has passed between your Lordship and the French Ambassador in London in respect to the question of the abandonment of British Consular jurisdiction in Tunis, I have the honour to transmit herewith a Memorandum, which has been drawn up by M. Treitt, in answer to the one inclosed in your Lordship's despatch, and which referred to the points upon which Her Majesty's Government desired further information in regard to the interpretation of various Acts of the French Law.

I have, &c.

(Signed) LYONS.

Memorandum.

Loi du 27 Mars, 1883, établissant des Tribunaux Français dans la Régence de Tunis.

ÉCLAIRCISSEMENTS.

Articles II et IV.

1. IL faut poser en principe que, aussi longtemps que les Capitulations existeront en Tunisie, cette Loi ne concernera que les Français et les protégés Français, puisque le Gouvernement de la France s'est porté garant de l'exécution des Traités existant actuellement entre le Gouvernement de la Régence et les diverses Puissances Européennes.*

2. C'est en prévision de l'abolition des Capitulations, que l'Article 2, § 3, de la Loi du 27 Mars, 1883, dispose que la compétence des Tribunaux Français pourra être étendue à toutes autres personnes par des Décrets de Son Altesse le Roy, rendus avec l'assentiment du Gouvernement Français.

Si la faculté d'étendre la juridiction Française à toutes autres personnes n'avait pas été prévue, les étrangers et les protégés étrangers, à partir du jour où les Capitulations auraient été abolies, seraient tombés sous la juridiction locale.

L'Article 2 suppose que les étrangers et les protégés étrangers préféreront la juridiction Française à la juridiction indigène. Du reste, il est vraisemblable que, quand un État Européen consentira l'abolition des Capitulations, il ne manquera pas de stipuler d'une façon expresse la juridiction Française en faveur de ses nationaux et de ses protégés.

3. L'Article 2 de la Loi du 27 Mars, 1883, dit que les nationaux Français font partie du ressort de la Cour d'Alger; il aurait dû dire, font partie du ressort de la Cour d'Appel d'Alger. En France, on appelle simplement Cour, la juridiction supérieure à laquelle sont déférés les appels. Les juridictions inférieures sont dénommées Tribunaux.

4. Il est hors de doute que les sujets Anglais ainsi que tous les étrangers indistinctement qui se seront soumis à la juridiction Française, auront le droit d'appeler dans les procès civils et criminels; les appels seront portés devant la Cour d'Appel d'Alger en vertu de l'Article 2 de la Loi du 27 Mars, 1883.

5. En matière civile comme en matière criminelle, l'appel devant la Cour d'Alger sera suivi et jugé dans les mêmes formes et conditions que celles qui incombent aux Français.

À cet égard, tous les étrangers ont absolument les mêmes droits et les mêmes obligations que les Français tant en France que dans ses possessions hors d'Europe.

C'est là le droit commun.

Les étrangers en France, comme dans les Colonies, ne sont pas traités différemment que les Français, en matière de révision des Jugements, de l'atténuation des peines, et de la grâce ou pardon que le Chef de l'État peut seul accorder.

6. Les dispositions de l'Article 4 de la Loi du 27 Mars, 1883, sont claires, mais pour les comprendre il faut connaître les termes et la pratique judiciaires usités en France.

Voici en d'autres termes ce que dit cet Article:—

(A.) En matière civile, les Tribunaux de Première Instance, en Tunisie, jugeront en dernier ressort (c'est-à-dire sans faculté d'appeler) les actions personnelles et mobilières, civiles ou commerciales, jusqu'à la valeur de 3,000 fr. (120 l.), et en matière immobilière jusqu'à 120 fr. de revenu.

Toutes les autres affaires seront jugées en premier ressort (c'est-à-dire avec faculté d'appeler), et la compétence des Tribunaux de Première Instance est illimitée.

(B.) En matière correctionnelle.

Cette matière comprend toutes les infractions à la loi, appelés délits. La peine maxima des délits ne peut dépasser cinq années d'imprisonnement, plus une amende dont le montant est variable.

L'appel est permis contre toutes les condamnations correctionnelles, sans exception aucune.

* Exposé des Motifs de la Loi du 27 Mars, 1883, déposé au Sénat le 26 Janvier 1883, p. 2, § 4. Rapport sur la même Loi du Sénateur Jacques, déposé au Sénat le 15 Février, 1883, p. 4, § 1. Article IV de la Convention Franco-Tunisienne du 12 Mai, 1881.

C'est la Cour d'Appel d'Alger qui jugera les appels contre les Jugements des Tribunaux de Première Instance de la Tunisie. Les choses se passent absolument comme en France ; mais

(C.) En matière criminelle, il n'en est plus de même.

La matière criminelle comprend toutes les forfaitures à la loi prévues par l'échelle des peines depuis la réclusion jusqu'à la condamnation à mort.

En France et en Angleterre, c'est le jury qui prononce sur la culpabilité des individus accusés de crimes.

En Tunisie, au contraire, c'est le Tribunal de Première Instance qui juge en dernier ressort les faits qualifiés crimes. Mais le Tribunal ne statue pas seul, la loi lui adjoint six Assesseurs avec voix délibérative. Les Assesseurs sont tirés au sort sur des listes formées chaque année parmi les habitants notables, ainsi que cela se pratique en Angleterre et en France quand on constitue le jury.

Le Tribunal de Première Instance ainsi renforcé de six Assesseurs, plus nombreux que les Juges, fonctionne comme Cour d'Assises et comme jury, tout à la fois.

7. Le système des Tribunaux Criminels Mixtes, composés de citoyens et de Juges, a existé en Algérie pendant de longues années, et a donné de bons résultats. Ce n'est environ que depuis quinze ans que le jury a été établi en Algérie comme en France.

Il est présumable que dans l'avenir, si l'état actuel en Tunisie se consolide, les choses pourront s'y passer de même qu'en Algérie.

Article V.

8. Cet Article existe déjà dans la procédure criminelle Française ; il n'a point pour résultat de conduire d'abord un sujet Britannique à Alger et de le ramener ensuite en Tunisie pour y être jugé.

D'après le Code de Procédure Criminelle Français, quand un crime a été commis, le Juge d'Instruction près le Tribunal dans le ressort duquel le crime a eu lieu, est chargé de faire les enquêtes, les poursuites, et les interrogatoires des témoins et des accusés ; en un mot, de prendre toutes les mesures autorisées par la loi, pour arriver à la découverte de la vérité.

Quand l'instruction est terminée et tous les faits et documents établis, le Juge d'Instruction envoie le dossier à la Cour d'Appel avec son rapport et toutes les pièces à l'appui.

Une section de la Cour d'Appel appelée la *Chambre des Mises en Accusation* est saisie de l'affaire. Le Procureur-Général (Attorney-General) prend également connaissance du dossier et y joint ses réquisitions par écrit. Puis, la Chambre des Mises en Accusation, sur le rapport de l'un des Juges, qualifie les chefs d'accusation et renvoie l'accusé devant les Juges compétents ; les Juges compétents sont ceux de la localité où le crime a été accompli.

C'est cette décision de la Chambre des Mises en Accusation que l'on appelle l'*Arrêt de Renvoi* ; c'est cet Arrêt de la Cour d'Appel d'Alger qui seul peut saisir les Tribunaux de Tunisie du droit de juger les accusés.

Jamais les accusés ne comparaissent devant la Chambre des Mises en Accusation ; ils n'ont que le droit de lui adresser des mémoires en défense. Il n'y a donc pas de déplacement pour les accusés. Cet examen de l'instruction faite par une juridiction supérieure est une garantie pour les accusés. Il arrive parfois que la Chambre des Mises en Accusation qualifie les faits incriminés autrement que le Juge d'Instruction ; qu'elle ne les qualifie que de délits au lieu de crimes, et même qu'elle ordonne la mise en liberté des accusés par le motif, par exemple, que les faits incriminés n'ont pas été prévus par la loi.

Article X.

9. Cet Article a son commentaire dans le § 8 de l'Exposé des Motifs de la Loi du 27 Mars, 1883, déposé au Sénat le 23 Janvier, 1883 (page 7).

En Algérie, depuis 1830 jusqu'en 1841, les intérêts des plaideurs n'étaient représentés devant la Justice que par des individus sans caractère légal ni officiel. C'étaient de simples mandataires, *negotiorum gestores*. Les intérêts des justiciables n'étaient pas assez garantis.

Par Arrêté Ministériel du 26 Novembre, 1841, le Gouvernement Français créa un corps de *lawyers*. Ceux-ci obtinrent le droit exclusif de représenter et d'assister les plaideurs devant les Tribunaux ; ce corps de *lawyers* reçut le nom de défenseurs ; ils réunissent en leurs mains toutes les attributions des *attorneys* ou *solicitors* et des *barristers* en Angleterre, et des *avocats* et *avoués* en France ; car ils plaident toutes les affaires au civil et au criminel.

10. Le Gouvernement Français a créé un corps de défenseurs devant la Justice Française en Tunisie. Pour être défenseur, il faut être de nationalité Française ; mais par respect pour des droits acquis et des intérêts légitimes, l'Article 10, § 3, de la Loi du 27 Mars, 1883, admet au nombre des défenseurs en Tunisie, les avocats étrangers y ayant exercé leur profession.* Cette disposition est toute favorable aux avocats Anglais et Italiens et Allemands, établis dans la Régence. On dit qu'ils ont réclamé le privilège d'être nommés défenseurs, ils obtiennent ainsi un privilège exclusif pour les fonctions d'avocat et d'avoué devant les Tribunaux Français, en Tunisie, ils peuvent faire tous les actes qui compètent à ces officiers de la loi, ainsi que les *solicitors* et les *barristers*. Mais ils ne peuvent se livrer au commerce ni remplir des fonctions publiques salariées.

Décret Présidentiel du 14 Avril, 1883.

Article IX, § 3.

11. Au sujet de l'Article 11 du Décret du 14 Avril, 1883, il est demandé si, l'accusé étant de nationalité Anglaise, a le droit d'avoir trois Assesseurs Anglais.

Le texte répond négativement à cette question ; le Décret n'a créé que trois catégories d'Assesseurs : celle des Français, celle des étrangers, et celle des indigènes. Il n'a pas été établi une catégorie spéciale d'Assesseurs d'Anglais ; il me paraît qu'il eût été assez difficile d'établir des Assesseurs pour chaque Etat Européen. L'accusé Anglais ne pourra donc pas réclamer trois Assesseurs Britanniques.

On demande encore si un accusé Anglais peut récuser les trois Assesseurs étrangers et confier uniquement ses intérêts aux trois Assesseurs Français, ou si cela n'est pas possible, aux six Assesseurs Français.

Cette question ne trouve pas sa solution dans le Décret du 14 Avril, 1883 ; ce Décret ne contient aucune prévision relative au droit de récusation.

C'est sans doute une lacune, car les Assesseurs sont des sortes de jurés. Or le droit de récusation d'un certain nombre de jurés est un des principes de la législation criminelle Française. Je crois donc qu'il devrait exister un droit de récusation des Assesseurs devant les Tribunaux de la Tunisie ; une pareille disposition serait conforme à l'équité et aux principes de la libre défense des accusés.

Observations Générales.

12. Quelle sera la situation légale de la propriété immobilière relativement aux placements des fonds et aux détenteurs actuels de terres, en présence de la Convention Anglo-Tunisienne du 10 Octobre, 1883, et de l'Article 4 de la Loi du 12 Mai, 1881 ?

Cette question se résout par le texte de l'Article 4 de la Loi du 12 Mai, 1881. Par cet Article le Gouvernement Français s'est porté garant de l'exécution de tous les Traités existant entre le Gouvernement de la Régence et les diverses Puissances Européennes.

En conséquence, la Convention Anglo-Tunisienne de 1881 reste entière jusqu'à ce qu'elle ait été modifiée soit par l'abolition des Capitulations, soit autrement.

J'ai lu cette Convention ainsi que la Constitution Tunisienne du 16 Septembre, 1881 ; aucun de ces documents ne contient de dispositions contraires à la loi hypothécaire Française. Je ne crois pas qu'il puisse surgir un conflit en cette matière.

Le régime hypothécaire Français est évidemment appelé à fonctionner en Tunisie ; si, par la suite, les immeubles Tunisiens et les hypothèques qui les affectent, viennent à tomber sous l'empire de la loi Française, tous les intérêts n'en seront que mieux garantis ; le système hypothécaire Français a la réputation d'être un des meilleurs ; différents Etats Européens l'ont adopté, même sans modifications.

Cependant je crois qu'il serait utile que (en cas de renonciation aux Capitulations et autres lois protectrices dans les anciens Etats barbaresques) les hypothèques en Tunisie fussent l'objet d'une attention particulière, à cause de la complication d'intérêts que cette matière entraîne assez souvent après elle.

13. Tant qu'il n'y aura pas eu de renonciation aux Capitulations, les protégés Britanniques resteront dans la position qu'ils ont aujourd'hui.

Après l'abolition des Capitulations, ils pourront réclamer la jouissance de tous les droits civils et en jouir comme les Français eux-mêmes ; les étrangers, sauf les droits politiques et municipaux, sont assimilés aux Français dans toutes les affaires civiles et commerciales tant en France que dans les possessions d'outre-mer.

* Rapport du 23 Janvier au Sénat, § 8.

14. Quant aux privilèges et aux immunités attachés à la personne et à la résidence des officiers Consulaires, ils ont les mêmes que ceux dont jouissent tous les Consuls Britanniques en France et dans les Colonies Françaises, sous le régime de Protectorat de la France, les officiers Consulaires n'ont pas obtenu les mêmes garanties que les Capitulans ont dû leur assurer dans les pays Musulmans.

15. Les privilèges et les immunités des Consuls étrangers en France sont réglés par les lois et la jurisprudence à défaut de Conventions Consulaires spéciales.

Il n'y a pas besoin de dispositions législatives nouvelles en cette matière.

(Signed) TREITZ.

Paris, le 3 Juillet, 1883.

No. 6.

Viscount Lyons to Earl Granville.—(Received July 4.)

(No. 418.)

My Lord,

Paris, July 3, 1883.

WITH reference to your Lordship's despatch No. 635 of the 27th ultimo, I have the honour to enclose herewith copy of the note which I have addressed to the French Government calling their attention to the violent proceedings of MM. Delsol and Maréchal, and to the continued refusal of the French authorities in Tunis to offer any redress to Her Majesty's Agent and Consul-General for the affront thus put upon Her Majesty's Consulate.

The original documents enclosed in your Lordship's despatch are herewith returned.

I have, &c.
(Signed) LYONS.

Inclosure in No. 6.

Viscount Lyons to M. Chaillemet-Lacour.

Paris, July 3, 1883.

M. le Ministre,

IN compliance with instructions received from Earl Granville I have the honour to invite the attention of the French Government to a case reported by Her Majesty's Agent and Consul-General in Tunis of the seizure, on a plot of ground under the leadership of MM. Delsol and Maréchal, French citizens, of a piece of ground while in charge of a watchman who had been paid there by Her Majesty's Consul-General.

This piece of ground, which is situated near the Régio des Tabacs, belongs to General d'Hammelin Benaguel, but a rival claim to its ownership having been advanced by MM. Delsol and Maréchal, an arrangement was come to between the British and French Consulates, in virtue of which a Moorish watchman was placed there by Her Majesty's Consul-General to guard the property pending the settlement of the rival claims to its ownership.

I regret to have to inform your Excellency that not only was forcible possession taken of the ground by MM. Delsol and Maréchal and their attendants, in spite of the protestations of the watchman, but even the Dragoman of the British Consulate—who had been summoned to support the protest—was treated with rudeness and want of respect.

The remonstrances which Her Majesty's Agent and Consul-General addressed to the French *Classe d'Affaires* have so far failed to procure the evacuation of the ground, and the Tribunal Correctionnel, to whom Baron d'Estournelles declared that recourse must be had, has affirmed its competence to deal with this matter. In the meantime, the French citizens who have seized the property have commenced building a stone wall upon it.

Her Majesty's Government learn me, therefore, to lose no time in bringing this case to your Excellency's notice, and to express the hope that you will be so good as to obtain a Report upon it from the French authorities in Tunis.

It appears to Her Majesty's Government that there is no reason to doubt that the question of title to the ground must be decided by the competent Tribunal; but there seems to be the distinct fact that the guardian appointed by the British Consulate by agreement with the French Consulate has been forcibly ejected by some French citizens, and that the French authorities have so far refused to afford any redress in the matter.

Her Majesty's Government, however do not admit that the French Government, well informed of the case, will be willing to afford redress for these violent and illegal proceedings on the part of some of their citizens to the detriment of a British subject in the Regency, and for the affront which appears to have been offered to Her Majesty's Consulate there.

I have, &c.
(Signed) LYONS.

No. 7.

Sir J. Pouncefote to Mr. Richards.

Sir,

Foreign Office, July 4, 1883.

I AM directed by Earl Granville to acknowledge the receipt on the 21st ultimo of your letter requesting that Her Majesty's Consular officers in the territories adjacent to Sûs may be instructed to afford the agents of the North African Trading Company every assistance to enable them to increase their trade.

I am, in reply, to refer you to the letter addressed to the North African Trading Company by this Department on the 12th December, 1881, and to express to you Lord Granville's regret that he is unable to modify the decision arrived at with reference to the proceedings of the Company in the territories of the Sultan of Morocco.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 8.

Earl Granville to Sir J. Drummond Hay.

(No. 30.)

Sir,

Foreign Office, July 5, 1883.

I TRANSMIT herewith, for your information, copies of a letter from the Sûs and North African Trading Company,* and of my reply, declining to modify the decision arrived at by Her Majesty's Government in 1881 with reference to the proceedings of the Company in the territories of the Sultan of Morocco.†

I am, &c.
(Signed) GRANVILLE.

No. 9.

Sir R. Morier to Earl Granville.—(Received July 6.)

(No. 107.)

My Lord,

Madrid, June 28, 1883.

SIR JOHN DRUMMOND HAY having been good enough to send me copies of his despatch No. 49 of the 13th instant to your Lordship, and its inclosure,‡ I asked the Marquis de la Vega de Armijo yesterday whether he had received any communication from Tangier on the subjects treated of by Her Majesty's Minister at that place. I observed that Sir John Drummond Hay, whose experience and knowledge of Moorish affairs were quite exceptional, looked at the present situation in very sombre colours, and did not hesitate to affirm that, unless energetic measures were promptly taken to bring about the joint execution by all the foreign Representatives at Tangier of the Convention of Madrid, that instrument would become a dead letter.

I perceived from the proceedings of the meeting of the 27th ultimo that a proposal had been suggested, and had met with strong support, to the effect that an appeal should be made to the Spanish Government, as that of the country which had presided at the Madrid Conference, to remind the Signatories of the Convention of the engagements taken by them on that occasion, and I could not but think that some step in this direction had become necessary in view of the threatened substitution for the Madrid Convention of the principle that each Government should insist on obtaining for its own

* See Part IV, No. 128.

† No. 7.

‡ This refers to the representation from Cid Bargash to the foreign Representatives respecting the unsatisfactory state of the question as to protection and taxation.—T. G. S.

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support of the French Government to the project, but that their hands were full on account of the Tunis question.

Mr. Bensaude's statements may or may not be correct, but it would appear from information I had received* that some intrigue had been going on at that time by the French with the Chief Lidi Hashem.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 12.

Map of Sûs, showing the Coast Line granted to the Concessionnaires from which to choose a place for a Port

No. 13.

Sir J. Drummond Hay to Earl Granville.—(Received July 7.)

(No. 86.)

My Lord,

Tangier, June 29, 1883.

THE Spanish Commissioners, who had been dispatched to the Sûs coast to fix on the site of Santa Cruz de Mar Pequeña in company with the Moorish Commissioners, have arrived at Tangier.

As far as I can learn no agreement as to the site has yet been come to, for the Spanish Commissioners finding that Puerto Casado,† latitude 28° north, which the Sultan offers, and which is, I believe, the site, or in the neighbourhood of the ruins of Santa Cruz de Mar Pequeña, as laid down in a Spanish map in a work called "Guia del Oficial en Marruecos," by Don Serafin E. Calderon, Auditor-General de Ejército.]

On the other hand, the Spanish Commissioners finding that Lin, or Port Hillsborough,‡ latitude 29° 10' north, is more eligible in every respect, claim it as the site for the Spanish port or fishery ceded by Treaty.

A fresh reference will, I understand, be made to the Government at Madrid, but I hardly expect that any final understanding will be come to, unless the Sultan, apprehending a rupture of relations, has to give way to menace or pressure on the part of the Spanish Government. Up to the present time the negotiation has been conducted on both sides, as far as I can learn, in a friendly manner.

Whatever may be the result, I am convinced that the Spanish Government will discover, when it is too late to recede, that a very heavy expenditure will have been incurred without the slightest real benefit to Spanish interests, except that of satisfying the clamour of the Spanish press and of the inhabitants of the Canary Islands, who expect that the port to be ceded may become an important mart for that Colony; whereas, if the Treaty is properly carried into execution, it can only be used as a fishery, and not as a port for trade.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 14.

Mr. M. de J. Levy to Lord E. Fitzmaurice.—(Received July 7.)

My Lord,

59, Fenchurch Street, London, July 5, 1883.

REFERRING to the letter which I had the honour to address on the 29th ultimo to Earl Granville, on the subject of my claims on the French Government arising out of the occupation of my store and land at Gabes, my counsel, Mr A. M. Broadley having arrived from Tunis, I have to ask your Lordship to be good enough to receive him, in order that he may lay my case more fully before you.

I have, &c.
(Signed) M. DE J. LEVY.

* See Part IV, No. 61.

† See Map in No. 12.

‡ Published in Madrid by D. J. O'rix in 1844.



No. 13.

Mr. Broadley to Lord E. Fitzmaurice.—(Received July 7)

My Lord,

13, King's Bench Walk, Temple, July 5, 1883.

AS I am counsel for General Hamida Ben Ayad and Mr. M. Levy in two cases referred from Tunis to the Foreign Office, I venture to inform your Lordship of my presence in London, in case I might be able to give verbally any further explanation of the matters in question.

In case I could do so, I should be glad to wait upon your Lordship at any time you might be pleased to appoint.

I am, &c.
(Signed) A. M. BROADLEY.

No. 16.

Earl Granville to Viscount Lyons.

(No. 874.)

My Lord,

Foreign Office, July 9, 1883.

I HAVE to state to your Excellency that I approve of the note which you have addressed to the French Government, a copy of which is inclosed in your Excellency's despatch No. 415 of the 3rd instant, protesting against the forcible possession taken by certain French citizens of a piece of ground in Tunis placed in charge of a watchman attached to Her Majesty's Consulate-General, and which is claimed by General Cid Hamida Benaguel.

I am, &c.
(Signed) GRANVILLE.

No. 17.

Mr. Reade to Earl Granville.—(Received July 10.)

(No. 13.)

(telegram)

Tunis, July 9, 1883.

A MALTESE British subject named Giovanni Mangano was arrested yesterday by French soldiers, and is detained in custody by the French military authorities. A demand I have made for his delivery into the [custody] of Her Majesty's [Consulate] has been rejected. The incident has given rise to much excitement in the European colony, the Consulate premises being invaded by Maltese, demanding immediate liberation of the prisoner.

No. 18.

Earl Granville to Sir J. Drummond Hay.

(No. 32.)

Sir,

Foreign Office, July 10, 1883.

I TRANSMIT to you herewith, for your information, copy of a despatch from Her Majesty's Minister at Madrid upon the subject of the protection of Moorish subjects by the foreign Representatives in Morocco.

I am, &c.
(Signed) GRANVILLE.

No. 19.

Earl Granville to Sir J. Drummond Hay.

(No. 33. Confidential.)

Sir,

Foreign Office, July 10, 1883.

I TRANSMIT to you herewith, for your confidential information, copy of a despatch from Her Majesty's Minister at Madrid upon the subject of the negotiations between Spain and Morocco to determine the site of Santa Cruz de Mar Pequeña.*

I am, &c.

(Signed) GRANVILLE.

No. 20.

Sir J. Pouncefote to Mr. M. de J. Levy

Sir,

Foreign Office, July 10, 1883.

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 5th instant, requesting that your counsel, Mr. Broadley, may be received at this Office in order that he may make a fuller statement of your claim against the French authorities in Tunis, which has been already brought to Lord Granville's notice by Her Majesty's Representative in that Regency.

As you are probably aware, Mr. Broadley has himself offered to attend at this Office with this object, and he has been informed, in reply, that the matter referred to is before the French Government, and that if, on receipt of their reply, it should be deemed necessary to communicate with him or with yourself personally, you will receive an intimation to that effect.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 21.

Sir J. Pouncefote to Mr. Broadley.

Sir,

Foreign Office, July 10, 1883.

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 5th instant, in which you express your readiness, as counsel for General Hamuda Bey Aynd and for Mr. M. Levy, to attend at this Office to give further explanations in regard to the claims of these individuals, which have been brought to Lord Granville's notice by Her Majesty's Representative in Tunis.

I am now to inform you that the matters referred to are before the French Government, and that if, on receipt of their reply, it should be deemed necessary to communicate personally with yourself or with Mr. Levy, you will receive an intimation to that effect.

A communication in the above sense has also been addressed to Mr. Levy.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 22.

Captain Tryon to Mr. Currie.—(Received July 11)

My dear Currie,

Admiralty, July 9, 1883.

I HAVE received the inclosed.

I find in my notes, which are verified by those independently made by my Secretary, that the man Samit claimed 8,700 piastres, and 3,000 piastres were awarded him.

It is a coincidence that the sum awarded exactly agreed with what was suggested to me as a fair sum by the independent sources which I consulted without the Commission.

I have not a copy of the paper on which each claimant put forward his claim but

* No. 10.

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you have it, it is with other papers in the box I sent. A reference to that will further prove the case.

Shall I reply as suggested? I may add something to it if you think well

Yours, &c.

(Signed) G. TRYON.

Inclosure 1 in No. 22

General Samit to Captain Tryon

(Translation.)

(Extract.)

Sfax, June 27, 1883.

I, THE Undersigned, have the honour to inform you that, according to your orders, I forwarded to Her Majesty's Agent and Consul-General at Tunis two letters which, unfortunately remaining unanswered up to date, I now take the liberty to inclose in copy for further remarks and explanations, as well as nine certificates giving the evidence produced for my justification, confirming the genuineness and honesty of my claim, on which ground I flatter myself that, having given these documents your attention, you will find them consistent with my assertion as to what was inserted in my claim, that, either by forgetfulness or for other motives unknown to me, the two last items mentioned in my claim (5,700 piastres goods in store, and 3,000 piastres travelling expenses) were alone taken into consideration, all the others being excluded, and of this puerile sum he was pleased to cut off the larger item of 5,700 piastres, which reduces my indemnity to about 6 per cent. of my total claim of 47,424 piastres, a sum not adequate as a compensation to the enormous losses suffered by me and my numerous family.

After the event it will be permitted to observe that, if in your important and delicate mission as Representative and defender* of the losses suffered by the unfortunate British subjects during the sack of Sfax, I had decided the matter with that energy and justice which the occasion demanded, it was reasonable to have expected that I should have excluded from the claimants' list those who had been without doubt the most important business, but I, for motives that are not to be believed, and which I do not wish to state, have been unable to do so. I should have been able to prove the losses I claimed; but now, since that has not been rigorously fulfilled, at least, if you had directed Signor Ennabi, the British Consul at Tunis, to make a request, a full and satisfactory report, at the time when you asked him for information with respect to shops and jars full of olive oil, it is certain that the above mentioned lawyer would have conscientiously declared what he knew with regard to the position of the claimants; wanting which, Mr. Raben believed it prudent to say nothing, instead of which information was preferred which was given you by partial persons, whose object was only to insure their own interests. If that had not happened, it is certain that I would not have confined myself to allowing your claimant the insignificant sum of 3,000 piastres as a total compensation for his losses.

If His Highness the Bey or his officers had not despotically inserted in the official journal of Tunis, in consequence of the events at Sfax, announcing to the claimants that if they did not apply for the sums assigned them, as a simple gratification, by the 24th instant, the sums in question would lapse to the Beylical Treasury, your claimant would have abandoned the whole.

If the puerile sum, I repeat, of about 6 per cent. of the whole amount claimed (47,424 piastres) was my own property, and not belonging to my miserable children, I would, as a man of honour, have taken the liberty of forwarding it to your Lordship, with a request that it might be equally distributed among my suffering English fellow-countrymen.

Hoping, therefore, to be able to do so, I am, in the meantime, in the position in which they are at present by the news that, after a rigorous examination, through your Lordship's well-known influence, a sum proportionate to his losses suffered has been assigned to him, as has been assigned to many other claimants, as has been stated in the official Tunis journals, &c.

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Inclosure 2 in No. 22.

Draft of Reply from Captain Tryon to General Samut.

I HAVE received your letter and appeal against the award made you.
I note you have also written to Her Majesty's Consul General, which was the more proper course.

No. 23.

Count Nigra to Earl Granville.—(Received July 11)

My Lord,
THERE results, I trust, from the exchange of ideas which has recently taken place between the Government of the King and that of the Queen, a substantial conformity of views on the part of the two Governments upon the reservation respecting the inviolability of private domicile and the immunity of Consular residence in Tunis. The intention of the King's Government is to reserve all the rights and immunities and privileges which the Treaty, the Capitulations, and usage accord to the Italian subjects and to the Italian Consular officers in Tunis. With regard, however, to the inviolability of private domicile and to the immunity of Consular residence, including the right of asylum, the King's Government admits that this should be maintained only with the limitations necessary for the free exercise of the jurisdiction which is to succeed the actual Consular jurisdiction. The King's Government admits accordingly that "when in a criminal matter, or in pursuance of a sentence passed in Court, or of a warrant of arrest or other order regularly issued in cases permitted by law, it is requisite to proceed to the arrest of an Italian subject, or to the search of the private house of an Italian subject, such acts shall be considered authorized. But the Consul should previously be invited to be present at them, or to send his representative. If, then, the individual sought by the judicial authority should have taken refuge in the Consular residence, the Consul, in pursuance of the request made to him by the judicial authority aforesaid, should expel the refugee from the Consular residence."

Such are the views of the King's Government upon this matter, and I am charged by his Excellency Signor Mancini, to communicate the precise terms to your Excellency.

I should be grateful, my Lord, if you would kindly inform me whether the Queen's Government concurs in these views, and whether it considers that, in the answer to be given to the French Government, it would be preferable to detail the particulars above enumerated, or to give only the generic formula, that is, that the immunities reserved can be in no way an impediment to the regular course of justice.

Thanking you beforehand for the answer which you may be pleased to give me on this subject, I have, &c.

(Signed) NIGRA

No. 24

Earl Granville to Viscount Lyons.

(No. 682. Ext. 18.)

My Lord,

Foreign Office, July 11, 1883.

I INCLOSE the decypher of a telegram from Her Majesty's Agent and Consul-General at Tunis, reporting the arrest of a Maltese named Giovanni Mangano, and the refusal of the French authorities to hand him over to Mr. Reade,* and I have to request that your Excellency, in bringing this case to the notice of the French Government, will inquire the grounds upon which Mr. Reade's request for the surrender of the man was refused.

I am, &c.
(Signed) GRANVILLE

No. 25.

Earl Granville to Mr. Reade.

(No. 4.)

(Telegraphic.)

Foreign Office, July 11, 1883, 5 P.M.

YOUR telegram No. 13.

For what offence was Giovanni Mangano arrested, and on what ground do French military authorities claim jurisdiction?

No. 25*

Earl Granville to Mr. Reade.

(No. 13. Ext.)

Sir,

Foreign Office, July 11, 1883.

I HAVE requested you to-day by telegraph to report what offence Giovanni Mangano is charged with, as well as the grounds on which the French military authorities claim jurisdiction in the matter.

I am, &c.
(Signed) GRANVILLE.

No. 26

Petition from Captain Carmelo Tabone.—(Received July 12.)

To the Right Honourable Earl Granville, Knight of the Most Noble Order of the Garter, Her Majesty's Principal Secretary of State for Foreign Affairs, &c.

The humble Petition of Captain Carmelo Tabone, living at Valletta, Malta, No. 101, Strada San Paolo, attorney for Captain Salvatore and Emmanuele Tabone, late of Sfax,

Respectfully sheweth:

THAT on the 25th June, 1881, when the Arab insurgents pillaged the town of Gabes, in Tunis, the said Captain Salvatore and Emmanuele Tabone were compelled, for the safety of their lives, to abandon the city, leaving behind them a great quantity of stores in their warehouses, which were entirely sacked by the Arabs;

That the said Salvatore and Emmanuele Tabone entered a protest on the 1st September, 1881, in the Britannic Consular Agency of Gabes, copy of which is annexed herewith marked (a), and formed an inventory which was duly deposited in that Agency (b), showing that the value of the goods lost by them amounts to 15,800 Tunisian piastres;

That the said Salvatore and Emmanuele Tabone, before leaving the city, deposited the keys of their warehouses in the hands of the French Consul;

Wherefore your Lordship's petitioner humbly requests that Her Majesty's Government, who feel a deep interest for the welfare of the British subjects, will give the necessary steps to enable him to recover the amount of the said damages from the French Government or other responsible authority.

And, as in duty bound, your petitioner will ever pray.

(Signed) CARMELO TABONE.

No. 27.

Mr. Reade to Earl Granville.—(Received July 13)

(No. 14.)

(Telegraphic.)

Tunis, July 12, 1883.

YOUR Lordship's telegram of this day

The Maltese referred to was arrested after altercation with a French military officer in a crowd at railway station. The ground on which jurisdiction is claimed by French military officers is stated in letter of [? French Chargé d'Affaires] of which a copy is inclosed in my despatch No. 34 of yesterday, and relates to dignity and security of French army.

Mr. Reade to Earl Granville.—(Received July 13, 5.30 P.M.)

(No. 15.)
(Telegraphic)

Tunis, July 13, 1883, 12.20 P.M.

MANGANO was arrested by the French military authorities for attempting to defend himself against a French officer who assaulted him. Particulars are given in my despatch No. 33 of the 11th instant.

No. 29.

Earl Granville to Sir J. Drummond Hay.

(No. 34.)
Sir,

Foreign Office, July 13, 1883.

I TRANSMIT to you herewith, for your information, copy of a letter from Mr. J. Curtis relative to his intention to carry on trading operations in Sus as agent for the Sus and North African Trading Company, together with a copy of my reply.*

I am, &c.
(Signed) GRANVILLE

No. 30.

Sir J. Pauncefote to Sir F. Reilly

SIR J. PAUNCEFOTE presents his compliments to Sir F. Reilly, and is directed by Earl Granville to transmit to him herewith, for his information, the papers named in the margin,† relative to the question of the jurisdiction of the new French Courts in Tunis.

Foreign Office, July 13, 1883.

No. 31.

Sir J. Pauncefote to Mr. Curtis

Sir,

Foreign Office, July 13, 1883.

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 20th ultimo, having reference to your intention to carry on trading operations in Sus as agent for the Sus and North African Trading Company.

In reply, I am to inform you that an answer has been returned to the representation of the Company, which was placed in Lord E. Fitzmaurice's hands on the 21st ultimo, and I am now to refer you to that reply, as it conveys Lord Granville's decision upon the subject treated of in your letter now under acknowledgment.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 32.

Rosa Mangano to Earl Granville.—(Received July 14, 6 P.M.)

(Telegraphic.)

Tunis, July 14, 1883, 12.15 P.M.

I AM the wife of Giovanni Mangano, British subject, who was arrested by the French military authorities for trying to defend himself against a French officer who had wounded him with sword. To-day visited my husband in prison; told me he had scarcely any food since two days; he is without [? medical] assistance, and in a most deplorable condition. I beg your Excellency to give instructions for the protection of your subject, being innocent and of irreproachable conduct.

* Nos. 2 and 31.

† See Part IV, Nos. 31, 127, and 129; and encl. No. 3.

No. 31*

Viscount Lyons to Earl Granville.—(Received July 14.)

(No. 432.)
My Lord,

Paris, July 12, 1883.

I HAVE the honour to transmit to your Lordship a copy of a note, in the terms of your Lordship's telegraphic instruction of last evening, which I have addressed to the French Government on the subject of the refusal of the French military authorities at Tunis to hand over to Her Majesty's Agent and Consul-General, a British subject, a native of Malta, arrested by them on the 8th instant.

I have, &c.
(Signed) LYONS.

Inclosure in No. 31*.

Viscount Lyons to M. Chaillemet-Lacour.

M. le Ministre,

Paris, July 12, 1883.

MR. READE, Her Majesty's Agent and Consul-General at Tunis, has reported to Her Majesty's Government that, on the instant, a British subject, a native of Malta, was arrested by French soldiers, and has been kept in custody by the French military authorities, a demand made by Mr. Reade, for his being delivered into the charge of Her Majesty's Consulate, having been rejected.

In obedience to instructions which I have received from Her Majesty's Government, I have the honour to bring this case to the notice of the French Government, and to ask your Excellency for information as to the grounds for the rejection of the request of Her Majesty's Agent and Consul-General, that the prisoner should be delivered to him.

I have, &c.
(Signed) LYONS.

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No. 34*

Viscount Lyons to Earl Granville.—(Received July 16.)

(No. 441)

My Lord,

Paris, July 14, 1883.

WITH reference to your Lordship's telegram No. 18 of the 11th instant, and to my despatch No. 432 of the 12th instant, I have the honour to transmit herewith to your Lordship a copy of a note which has been addressed to me by M. Challe-mel-Lacour respecting the Maltese arrested at Tunis and kept in custody there by the French military authorities.

The note states that, according to the first information on the matter which has reached the French Government, the Maltese was arrested for an attack ("voies de fait") upon a captain attached to the Staff of the French army, and it argues that this constitutes an offence committed in a foreign country against a person attached to an army occupying that country, and that, consequently, according to international law, the offender is subject to the jurisdiction of the Military Tribunals of that army.

"Il s'agit donc d'un acte délictueux commis sur territoire étranger à l'encontre d'une personne attachée à un corps d'armée d'occupation, et qui, d'après les règles consacrées par le droit international, rend l'auteur justiciable des Tribunaux militaires de ce corps."

I have, &c.
(Signed) LYONS.

Inlosure in No. 34*

M. Challe-mel-Lacour to Viscount Lyons.

M. l'Ambassadeur,

Paris, le 14 Juillet, 1883.

LE 12 de ce mois votre Excellence m'a fait l'honneur de m'écrire relativement à un sujet Anglais, originaire de Malte, qui a été arrêté à Tunis le 8 Juillet et retenu par l'autorité militaire Française. Bien que l'Agent et Consul Général de Sa Majesté britannique ne le poursuivent pas devant le Consulat, Vous exprimez en même temps le désir de me faire connaître les motifs qui n'ont pas permis de prendre cette demande en considération.

Les rapports détaillés que j'attends sur cette affaire ne me sont pas encore parvenus. Tout est, d'après les premiers renseignements transmis par notre Résident, le Maltais dont il s'agit a été arrêté pour voies de fait contre un capitaine attaché à l'Etat-Major de notre armée. Il s'agit donc d'un acte délictueux commis sur territoire étranger à l'encontre d'une personne attachée à un corps d'armée d'occupation, et qui d'après les règles consacrées par le droit international, rend l'auteur justiciable des Tribunaux militaires de ce corps. C'est dans cet ordre d'idées, purement juridique, qu'ont été pris, sans doute, les motifs de la décision prise par l'autorité militaire. Il est à peine besoin de dire que le procès sera régulièrement suivi dans les formes et avec toutes les garanties que la loi Française assure à nos nationaux eux-mêmes. Votre Excellence peut être convaincue que rien ne sera négligé de notre part pour assurer dans les conditions les plus favorables le règlement de ce regrettable incident, sans le quel le Gouvernement de Sa Majesté verrait, comme nous, une nouvelle preuve de l'intérêt qu'il y a pour maintenir l'ordre et prévenir le retour de semblables difficultés, à ce que nous soyons le plus promptement possible en mesure de faire prevaloir l'établissement définitif de la juridiction Française dans la Régence.

Veuillez, &c.
(Signé) P. CHALLEMEL-LACOUR.

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No. 33.

Earl Granville to Rosa Mangano.

(Telegraphic.)

Foreign Office, July 14, 1883, 3.15 p.m.

CASE is occupying careful attention of Her Majesty's Government.

No. 34.

Sir J. Drummond Hay to Earl Granville.—(Received July 16.)

(No. 50. Confidential.)

My Lord,

Tangier, July 9, 1883.

WITH reference to the despatches marked in the margin* on the subject of the site which the Spanish and Moroccan Commissioners have been directed to fix on for the fishery ceded to Spain by Treaty, I have the honour to transmit herewith extracts from a private letter I yesterday addressed to Sir R. Morier on this subject.

The Spanish Government is, I understand, much dissatisfied that the Sultan should have offered for the fishery the site of Puerto Cansado, as this lies beyond the frontier of His Majesty's acknowledged dominions, and the Marquis de Aranda observed with some reason that they could take possession of Cansado as Mackenzie had done at Cape Juby, without asking the permission of any one.

The Port of Puerto Cansado is shown on the map of the Mar Pequeña, or little sea, as being close to Cansado, and on the map on inland sheet of water, representing the Mar Pequeña, is given. I think it is very probable that the fishery of Santa Cruz de Mar Pequeña was situated there, and as the Sultan lays claim to all that territory, I am not surprised that he offered to cede that particular site, and never supposed he would thereby give offence.

Under any circumstances, however, I think it is most desirable that the Spanish fishery should be contiguous to one of the new ports which the Sultan intends to open for trade, for the reasons which I have given to Sir R. Morier.

I have been informed, confidentially, that the Spanish Government would learn with satisfaction, when a suitable site for the fishery is fixed on by the Commissioners, that the Sultan will open a port for trade, but I received a hint that it is desired that they should not know at Madrid that I had approved and supported this suggestion, as they might not be disposed to support the suggestion, and another hint that if my Lordship sees this question settled in a satisfactory manner and wishes me to support it.

I have, &c.
(Signed) J. H. DRUMMOND HAY

Inlosure in No. 34.

Sir J. Drummond Hay to Sir R. Morier.

(Private.)

(Extract.)

Tangier, July 8, 1883.

I AGREE with you in thinking that the Spanish Government have good grounds for complaint at the offer of Puerto Cansado, but I understand that the Sultan is under the impression that this was the site of Santa Cruz de Mar Pequeña, the fishery in the time of Charles III. In the map published in the "Guía del Oficial en Marruecos," the site is fixed a little to the south of Wad Noon. The Sultan has no maps, and is in utter ignorance of geography, so there is some excuse for him. Moreover, the Sultan has never acknowledged the territory between Wad Draa and Cape Juby, and has made a dozen protests since Mackenzie went there, which I have forwarded to the Foreign Office. If the Sultan will only hasten to open a port in the extreme southern confines of his dominions that are acknowledged, i.e., Wad Draa, I have reason to believe that Mackenzie and the North African Company would be disposed to sell their establishment at Cape Juby or to abandon it; for the traffic, which now passes to them through Suez, would be stopped. The Sultan is building a fortress at Tizneet, and has sent troops to garrison it. Tizneet is some distance to the

* See Part IV, Nos. 23, 25, 100, 145, and 147; and note, No. 12.

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† Lat. 28° north.
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north-east of Ifni, or Port Hillsborough, one of the few sites on the exposed coast south of Agadir, where vessels can communicate in very fine weather with the shore, and where potable water is to be found.

Before I received your letter of the 4th July and inclosure, I had a conversation with Bergash about the conduct of the Moorish Commissioners and the offer of Cansado, and I told him that I feared the Spanish Government would turn crusty and even aggressive if the Sultan did not meet their reasonable demand by selecting a site within the acknowledged boundaries of His Majesty. I said that I believed the site they coveted was Ifni, or Port Hillsborough, latitude $29^{\circ} 10'$ north, where there is water, and where vessels can communicate with the shore in very fine weather. I acknowledged that it is not the site of Santa Cruz de Mar Pequeña, and that it appeared to me to be the most eligible site on the coast for the Sultan to open a port in addition to Santa Cruz de Agadir, which is too far north to benefit the inhabitants of the southern districts of Soos and their aspirations for trade, which, if not satisfied, would lead them to encourage the North African Company or others in their smuggling transactions. I observed to Bergash that the cession of Ifni as a fishery, and the opening of a Moorish port to the trade of Ifni, could be contained, for the Sultan could even put forward this arrangement as a proof of his good-will by saying that his aim in having the port and going to the fishery was to give better security to the Spanish inhabitants against the tribes, to enable them to obtain all the provisions they required from the port, whilst guards would be placed to prevent the people of the district from carrying on trade except through the Moorish port and custom officers.

Bergash was pleased with the suggestion, and asked me to give him a note of it, which I have done, to be forwarded to the Sultan. In fact, this advice was given by me years ago to the Sultan, though I did not then mention Ifni as the site to be selected, but I always advised that a port should be opened, when the fishery might be ceded, wall to wall. It would be a check against the aggressions of the tribes, and also against attempts hereafter of the Spaniards using the fishery as a fulcrum for extending territorial possessions on that coast, and against, as I have said, making use of the fishery as a trading port to the prejudice of the Sultan's Customs.

I dare say the rabid press in Spain and the Canaries, overlooking the fact that the cession by Treaty is for a fishery, will raise an outcry against their being prevented making use of the fishery for trade. The Government at Madrid must know, however, that if the fishery is opened for trade it would merely become an emporium for British goods, French sugar, &c., and that what Soos produces is not required by Spain, and would therefore all go to England and France.

P.S.—June 9. Since I wrote the foregoing I have seen a map, "Carte de l'Empire du Maroc, par E. Renou, Membre de la Commission Scientifique d'Algérie, Paris, 1845." In latitude $28^{\circ} 10'$ north Porto Cansado is marked, and near it Mar Pequeña, so-called from the small sea or lake, which is marked clearly on the map. This is evidently the site of Santa Cruz de Mar Pequeña. I have never understood before why it has that name. It is exactly opposite the Canary Islands.

Try and get the map from Paris, and exhibit it to the Spanish Minister.

No. 35.

Sir J. Drummond Hay to Earl Granville.—(Received July 17.)

(No. 60.)

My Lord,

Tangier, July 10, 1883.

WITH reference to my despatch No. 59 of yesterday's date, regarding the dispute that has arisen between the Spanish and Moorish Governments respecting the site of Santa Cruz de Mar Pequeña, the ignorance displayed by the Spanish Government as to the locality of their ancient possession, and the displeasure they have manifested that the Sultan should have offered Puerto Cansado, I have the honour to transmit extracts, which, it appears to me, leave little doubt that Puerto Cansado was the establishment formed in 1476 by Herrera, and that the sheet of water marked in the map of Renou, and said to be about two miles square, is the Mar Pequeña.

I beg to call your Lordship's attention also to the extract from Kerballet, where it is stated that Cape Bojador (latitude $23^{\circ} 10'$ north) is the frontier of Morocco. I have on several occasions mentioned to your Lordship that, though Wad Drin has always been regarded by the British Government and by many of the other foreign Powers as

the southern boundary of Morocco, the Sultan insists in asserting that he is Sovereign over the tribes lying to the south of Cape July. Kerballet appears to support this claim.

The Spanish Government, had they taken any pains in procuring information regarding the disputed site, could have referred to the works of which I transmit extracts. I regret that I do not possess the Journal of the Geographical Society, which contains the story in 1835 by Lieutenant Arlett.

There is also a work, "De la Pêche sur la Côte Occidentale d'Afrique, par M. Berthelet, avec une Carte par MacCarty," which I do not possess, but which may throw further light on this subject.

I see no reason, however, for withdrawing from the advice I had offered to the Government to cede Port Hillsborough or any other site for the Spanish Fishery, with the understanding that the Sultan should open a port to trade adjoining the ceded territory.

I transmit an extract from M. Renou's works regarding this site, which, he says, was called Hillsborough, from the fact of a Scotchman of that name having founded an establishment there. Great Britain might perhaps have an equal right to Spain to recover this site, which, however I may observe, would be most impolitic and unjustifiable, as I have no doubt Spain will ere long discover the coveted Fishery will prove to be

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure 1 in No. 35.

Extrait from "Exploration de l'Algérie par ordre du Gouvernement. Description Géographique de l'Empire du Maroc, par E. Renou. Paris, Imprimerie Royale, 1845." (Page 82.)

EN 1476 Diego le Herrera, Seigneur Espagnol, héritier des Canaries, ayant fondé sur cette côte un établissement nommé Santa Cruz de Mar Pequeña ou de Mar Menor. Cette possession, qui subsistait jusqu'en 1741, est, en effet, pour la première fois que se voit dans la carte de l'Algérie la Côte dessinée vingt-quatre ans après sa formation. Les anciennes cartes placent au tiers ou moitié de la distance qui sépare le Cap Noun du Cap Bojador* tantôt au fond d'un golfe, tantôt à l'embouchure d'un fleuve d'une rivière. Il me semble très probable que ce port n'est autre que le golfe déterminé par Mr. Arlett, et indiqué avant lui par Purdy dans son Mémoire sur l'Océan Atlantique.†

Inclosure 2 in No. 35.

Extrait from "Manuel de la Navigation à la Côte Occidentale d'Afrique, par M. de Kerballet. Paris, Imprimerie Administrative, Rue de Grenelle 80. Hénard, No 45 1851."

L'ENFONCEMENT circulaire nommé Porto Cansado a 2 milles de profondeur sur 2 milles de largeur, mais son entrée est étroite et barrée par des brisants, qui doivent rarement permettre d'y pénétrer. Une hauteur tabulaire de 120 mètres se trouve entre le port et les terres élevées de l'intérieur.

Le Cap Bojador est à 25 milles du faux cap dans l'ouest 10° sud. C'est à ce cap que finit le Maroc. (P. 243.)

Inclosure 3 in No. 35.

Extrait from "Description Géographique de l'Empire du Maroc; par E. Renou." (Page 83.)

ZAMAIM, Samoin, Firmam, ou encore Luana, d'après Sanson, à moitié chemin de Mega (Massa) au Cap Noun. Cela pourrait être le Porto Regia des pêcheurs des Canaries, dont le véritable nom est Igouder. (d'après le Journal de Davidson.)

* This would fix it at Cansado or Mar Pequeña, as marked in Renou's map. J. H. D. H.
† See "Journal of the Royal Geographical Society of London," vol. vi, p. 274.

(p. 176). C'est un petit port au fond duquel se jette le Ruisseau Edaguma.* C'est le Port Hillsborough où un Ecossais avait fondé un petit établissement il y a environ quatre-vingts ans.

No. 36.

Mr. Reade to Earl Granville.—(Received July 17.)

(No. 33.)

My Lord,

Tunis, July 11, 1883.

WITH reference to my telegram No. 13 of the 9th instant, reporting the arrest of a British subject named Giovanni Mangano by the French military authorities, and the refusal of the latter to accede to my demand for his transference to the charge of Her Majesty's Consulate, I have the honour to furnish your Lordship with the following particulars of the case.

The said Giovanni Mangano was one of a crowd of people who had collected in front of the booking office of the Italian Railway Station, and were struggling for precedence in the order in which the tickets were being issued. He appears to have come into bad contact with a French officer named Captain Nicolas, and some angry words spoken by the officer provoked an immediate rejoinder from the other. Words were followed by a succession of blows, which the captain discharged upon the head of his victim, and the latter was, at the same moment, laid hold of by a number of other French officers and soldiers who were present, and rendered incapable of even the slightest opposition or defence. In this situation of helplessness he was, according to the testimony of eye-witnesses, the object of a renewed onslaught by the Captain who drew his sword and cut him across the head with it. Some of the bystanders interfered and separated the parties, but the Maltese remained a prisoner, and was conducted in a bleeding state to the military guard-house, on the way to which he appears to have made a supreme effort to get free, but was overpowered and carried away.

All this took place in the afternoon of Sunday the 8th instant.

On the following morning I called on Baron d'Estournelles, and while assuring him of my desire, by some friendly settlement of the matter to avoid carrying the question which had now been raised as to the precise jurisdiction to which the prisoner Mangano is amenable further than it appeared to me the circumstances merited, informed him that it was, on the other hand, my duty to demand that the prisoner be restored to the charge of Her Majesty's Consulate, conformably with the prescriptions of our own Treaty and with those of the Treaty of Cass-el-Said. Whatever, I added, may have been the offence the prisoner committed the castigation he had received was surely more than sufficient to justify his liberation.

The Baron replied that he was as anxious as I was to arrive at an amicable solution, but that, after a discussion he had had with General Fergon on the subject, he found it was absolutely impossible to prevent the case going through the regular course of procedure by court-martial. The version which he had himself received, and which he upheld, of the affair, was so manifestly inaccurate and exaggerated that I felt any further discussion of the case was useless. Returning, therefore, to the Consulate I repeated in a written form the request I had verbally made for the British subject to be given up into my charge. A copy of my note to Baron d'Estournelles I beg herewith to inclose.

Although forty-eight hours have passed since this communication was addressed, no reply beyond the verbal one already related has reached me from the Baron.

It is scarcely necessary I should state that, except among the French themselves, the high-handed action of the military has, in the present instance, given rise to feelings of very general excitement and indignation. Among the Maltese, the ferment is perhaps greater now than it has been at any time since the country was militarily occupied. Nobody, they say, is any longer safe against military arrest, and consequences, such as have resulted to Giovanni Mangano, who, I should not omit to remark, has hitherto been known as a peaceable industrious and well-to-do subject.

On arriving at my official residence on Monday morning, I found the premises invaded by a numerous and excited throng of Maltese and other British subjects, who insisted upon seeing me, and demanded the immediate liberation of Giovanni Mangano. Replying to their appeals, immediately after my interview with the French Chargé d'Affaires, I told them the matter would be referred to Her Majesty's Government, and

* Lat. 39° 10' N

that it was necessary in the mean while to refer the matter to the will of the ruling authorities. No good, I said, could come out of a noisy or turbulent demonstration, and I prevailed upon them to quietly disperse. Later in the day a deputation of these British subjects returned with a numerously signed Petition of protest against the arrest of the said Giovanni Mangano, a translation of which I have the honour to herewith transmit.

From some of the gentlemen who were present and witnessed the disturbance at the railway station, I have received declarations as to what took place, and of these I beg also to inclose a copy.

Having stated the case as farly as it is in my power to do, I submit it with confidence to your Lordship's consideration.

I do not presume, my Lord, to offer an opinion as to the course which it may become necessary to adopt under the circumstances, but I trust I may be permitted to remark upon the injurious effect that is certain to result to British interests in this part of the world if something is not done to show that the attitude in which the French military authorities have in certain cases assumed towards British subjects in Tunis is not acquiesced in.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 36.

Mr. Reade to the Baron d'Estournelles.

Tunis, July 9, 1883.

IT having come to my knowledge that a British subject, named Giovanni Mangano, was arrested yesterday by a French military force, and conducted to be lodged in the custody of the military authorities of this nation, I have the honour to request that inasmuch as British subjects are by Treaty amenable to no other jurisdiction in this country than that of Her Britannic Majesty's Consulate, you will have the goodness to direct that he be immediately transferred to the custody of this Office.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 2 in No. 36.

Petition of British Subjects protesting against Arrest and Imprisonment of Giovanni Mangano by French Military Authorities.

(Translation from the Italian)

The humble Petition of Rosa, the wife of Giovanni Mangano, Giuseppe, Gaetano, and Carmelo, the sons of the said Giovanni Mangano, and of the undersigned, British subjects.

Humbly sheweth.

THAT the said Giovanni Mangano, while taking a ticket for the Gare du Nord Italian Railway Station yesterday afternoon, was, without any cause whatever, shamefully struck on the face by a French soldier with a sword by a French officer.

That the French authorities, instead of punishing the officer, have arrested the Maltese although without any offence, and taken him to the military barracks as if he were a convict, and thus have shown that they are not a civilized nation.

The arbitrary and despotic manner with which the French authorities have up to the day acted towards the property and liberty of peaceful citizens, British subjects, has caused a general feeling of indignation among the long-inhabited French colonies, and the authorities of these colonies have taken advantage of this opportunity to beg a will to act on the Government of Her Britannic Majesty the authorities of the colonies and grave persons to increase the British colony in this colony. As yet there is no serious movement among the Maltese who reside in this colony, and the British Government is not in a position to protect them, and the condition in which your faithful subjects will find themselves on the departure indeed if the magnanimous Great Britain and the paternal English Government were deaf to the prayers of its subjects, and handed them over into the hands of the French

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Government by revoking the said Treaties. A great part of the landed property in this Regency belongs to British subjects, 16,000 of whom have emigrated to this country. Your petitioners therefore humbly beg you will act energetically with the French authorities, so that their fellow-countrymen be given up to the British authority and justice be done.

(Then follow 82 signatures, as written in the Italian version.)

Tunis, July 9, 1883.

Inclosure 3 in No. 36.

Declaration of David Cardoso.

M DAVID CARDOSO, an Italian subject residing at Tunis and by profession a lawyer, having been duly sworn, declared as follows:

"On Sunday last, the 8th instant, and at about 4 o'clock in the afternoon, I was making the best of my way towards the ticket office of the Italian Railway Station, for the purpose of taking a ticket for a train that was on the point of leaving for the Goletta. There was a great crowd, and I was pushed about like the rest of the people. Close to me, I saw a French cavalry officer (Captain Nicolas) by name, whom I knew only by sight. While the crowd was pressing on, this officer suddenly turned round and after saying something I did not understand to a man who was standing close to him, hit him two or three blows in the face with his fist. What the man had said or done I know not, but I remember that he had annoyed the Captain by pushing him. The man with drew a short dagger from his waist, and commenced the attack by striking him in the hinder part of his body. I was on the point of taking my ticket when, turning my head round, I saw the Captain draw his sword and strike the man with it on the head. I drew near to the Captain and, perceiving that blood was streaming down the man's face, could not restrain my feelings any longer. I reproached the Captain severely for what he had done, and words passed between us which resulted in nothing. I then returned to the ticket-office, took my ticket, and immediately after started by the train. The Captain also took his ticket, and proceeded by the same train.

"What took place afterwards, as far as the man who had been beaten and struck with the sword is concerned, I did not see."

On being asked whether he had seen the man (Giovanni Mangano) hit the Captain or do anything in his defence, the declarer replied "No; I was even astounded that he bore everything so patiently. It may be that at the moment of my turning away to get my ticket he may possibly have done something, but, if so, it could only have been after receiving the Captain's blows."

Declared and sworn, in accordance with an invitation to that effect from the Italian Consulate-General, at Tunis, this 10th day of July, 1883.

(Signed)

DAVID CARDOSO.

Sworn before me at Tunis this 10th July, 1883.

(Signed)

THOS. F. READE,

Agent and Consul-General.

Inclosure 4 in No. 36.

Declaration of Felice Bensasson.

M. FELICE BENSAÏSSON, Italian subject and merchant, residing at Tunis, having been duly sworn, declared as follows:—

"I was at the Italian Railway Station on Sunday afternoon, the 8th instant, taking my ticket for a train on the point of departure for the Goletta. There was a great crowd of people pushing each other and trying to obtain tickets. I heard a great noise, and, turning round, saw the Maltese (Giovanni Mangano) held down in the midst of the crowd, and in a condition of complete helplessness, while Captain Nicolas, a French officer, was striking him repeated blows on the head with his fist. The Captain then drew his sword and struck the Maltese a blow with it on the head. Blood flowed from the Maltese's head immediately after the sword cut was given. M. David Cardoso then went up to the Captain and told him he ought to be ashamed of what he had done.

Words were then exchanged between the two. I returned to the ticket office and then to the train, and proceeded to the Goletta. When I left the Maltese was still in the custody of some French officers and soldiers."

(Signed)

FELICE BENSAÏSSON.

Sworn before me at Tunis, this 10th July, 1883.

(Signed)

THOS. F. READE,

Agent and Consul-General.

Inclosure 5 in No. 36.

Declaration of Alessandro Pas.

M ALESSANDRO PAS, Italian subject and merchant, residing at Tunis, having been duly sworn, declared as follows:

"I was at the Italian Railway Station on Sunday afternoon, the 8th instant, taking my ticket for a train on the point of departure for the Goletta. There was a great crowd of people pushing each other and trying to obtain tickets. I heard a great noise, and, turning round, saw the Maltese (Giovanni Mangano) held down in the midst of the crowd, and in a condition of complete helplessness, while Captain Nicolas, a French officer, was striking him repeated blows on the head with his fist. The Captain then drew his sword and struck the Maltese a blow with it on the head. Blood flowed from the Maltese's head immediately after the sword cut was given. M. David Cardoso then went up to the Captain and told him he ought to be ashamed of what he had done. Words were then exchanged between the two. I returned to the ticket office and then to the train, and proceeded to the Goletta. When I left the Maltese was still in the custody of some French officers and soldiers."

(Signed)

ALESSANDRO PAS.

Sworn before me at Tunis, this 10th day of July, 1883.

(Signed)

THOS. F. READE,

Agent and Consul-General.

Inclosure 6 in No. 36.

Declaration of Giuseppe Barrago.

(Translation from the Italian.)

I, THE Undersigned, solemnly declare on oath that yesterday afternoon at about 4 p.m., I was at the Italian Railway Station, and I saw Giovanni Mangano trying to take a ticket, when a French officer pushed him and after saying to him, 'Bonne nuit, cochon,' gave him a blow on the face. He (the French officer) afterwards drew his sword and struck the Maltese on the head, and I saw him (the Maltese) immediately afterwards seized by four French soldiers. The officer went away. Then another French cavalry soldier tried to strike the Maltese with his sword, but the Maltese, in self-defence, got hold of the soldier and threw him down. Then a number of other military men caught hold of the Maltese and beat him. This is all I know.

(Signed)

GIUSEPPE BARRAGO

Sworn before me at Tunis, this 10th day of July, 1883.

(Signed)

THOS. F. READE,

Agent and Consul-General.

No. 37.

Mr. Reade to Earl Granville.—(Received July 17.)

(No. 34.)

My Lord,

SINCE posting my despatch No. 33 of this day, with regard to the arrest by French military authorities of a British subject named Giovanni Mangano, I have received the French Chargé d'Affaires' reply to the demand I had addressed to him for

Tunis, July 11, 1883.

delivery of the said British subject into my charge. A copy of the French communication is herewith respectfully inclosed.

It will be seen that, while confirming the reply he had already given to me verbally, Baron d'Estournelles endeavours to show that the special case of Giovanni Mangano does not affect the question of Consular jurisdiction or Treaty rights.

It does not appear, however, why, except in a state of siege, Tunis should be treated differently from other countries where civilians offending against the military are prosecuted before the ordinary local Tribunals.

I have, &c.
(Signed) THOS. F. READE

Inclosure in No. 37.

The Baron d'Estournelles to Mr. Reade.

M. l'Agent et Consul-Général, *Tunis, le 10 Juillet, 1883.*
AINSI que j'ai eu l'honneur de vous le dire hier, de vive voix, il ne me paraît pas possible de demander à M. le Général-en-chef de mettre en liberté le Sieur Mangano Giovanni, ou de le livrer au Tribunal Consulaire dont il relève; nous n'entendons, cependant, tout au contraire, porter par ce fait aucune atteinte au régime des Traités qui ont été jusqu'à ce jour observés en Tunisie. C'est précisément parce qu'il en respecte au plus haut point la validité que le Gouvernement de la République a entamé des négociations pour en faire abroger celles des dispositions qui ne sont plus d'accord avec l'exercice de notre Protectorat.

Mais nous nous trouvons, dans le cas actuel, en présence d'une situation tout à fait spéciale; il ne s'agit pas d'un délit commis contre un Français, contre un simple particulier, mais contre un officier du corps armé. Or, les Tribunaux Militaires sont seuls juges des délits qui comprennent et qui se rapportent à la personne d'un corps armé d'occupation, quelle que soit la nationalité de l'auteur de l'acte. Les Capitulations locales ne sauraient apporter d'exception à ce principe.

J'attendrai donc le résultat de l'instruction qui est ouverte relativement à cette affaire et ce n'est que dans le cas où les charges ne seraient pas jugées suffisantes pour nécessiter des poursuites que le Sieur Mangano sera mis en liberté.

Agrez, &c.
(Signed) P. D'ESTOURNELLES

No. 38.

Rosa Mangano to Earl Granville.—(Received July 18.)

(Telegraphic.) *Tunis, July 18, 1883. 5.20 P.M.*
I AM sorry to trouble your Excellency, but my husband always prisoner, whilst French officer who wounded him left Tunis at large. French authorities will not permit me any more to visit prisoner. I solicit your Excellency's benevolence in favour prisoner.

No. 39.

Sir J. Drummond Hay to Earl Granville.—(Received July 19.)

(No. 02.) *Tangier, July 12, 1883.*
My Lord,
WITH reference to my despatch No. 55 of the 29th ultimo regarding the conduct of the agents of the North African Soos Company, I have the honour to transmit extracts from letters addressed to me by Her Majesty's Consul at Mogador.

It is a matter for regret that the agents of the Company should cast the British flag on the Sultan's territory over goods landed in contravention of the Customs laws. The reports received require confirmation, though I should not be surprised to learn that the Sultan is taking active measures to put a stop to smuggling on the part of the agents of the North African Soos Company or others.

I have, &c.
(Signed) J. H. DRUMMOND HAY

Inclosure 1 in No. 39.

Consul Payton to Sir J. Drummond Hay

(Extract)

Mogador, July 4, 1883.
I HEAR that a new Prospectus of the Soos and North African Company has been issued, calling attention to the fact (1) that a port is now established and trade going on regularly, and, I believe, calling for more money.

Inclosure 2 in No. 39.

Consul Payton to Sir J. Drummond Hay.

(Extract)

Mogador, July 6, 1883.
I HAVE to inform you, confidentially at present, that I believe the agent here of the Soos and North African Company have received news that "everything has been caught" (own at Elker, &c., I suppose, goods left there plundered or seized), and that a soldier of the Sultan (Askari) has been killed by a native employé of the Company, a "Salub Jamen."

Just before receipt of this startling news the last report was that all was quiet, the goods and tent left there untouched, and the British flag still flying.

No. 40.

Sir J. Drummond Hay to Earl Granville.—(Received July 19.)

(No. 40.)

My Lord

Tangier, July 12, 1883.
WITH reference to the instructions conveyed to me in your Lordship's despatch No. 22 of the 2nd ultimo, I have the honour to transmit copy of a letter addressed to me by Mr. Lapeen, the Vice-Consul at Daralaida, offering further explanations how it came to pass that he had inserted in his list the names of two Moorish farmers as his domestic servants.

I do not consider Mr. Lapeen's explanations satisfactory, and I have been assured by the French Minister that the statement he makes regarding five French merchants employing twenty-seven protected agents is not correct. French or other foreign merchants doing a large business, who have "comptoirs" or houses of business at other ports than those at which they reside, are entitled to two protected agents at each port, and Mr. Lapeen would be equally entitled to employ more than two servants if he had a house of business at any other port.

Wealthy Moorish farmers who obtain protection are a source of emolument to the Europeans who employ them, and on this account Mr. Lapeen, like other foreign merchants similarly situated, desires to retain their services.

Mr. Lapeen is constantly involved in questions with the Moorish authorities regarding claims on a sort of the persons under his protection. There is no doubt that great abuses are committed by foreign subjects which are tolerated by this Government as their remonstrances to the Representatives have hitherto been disregarded. If we allow British subjects to practise the same abuses, on account of their being entitled to be placed on the same footing as the subjects of the most favoured nations, vexatious questions and claims, which already give infinite trouble, will increase in proportion to the protection which is extended.

I have, &c.
(Signed) J. H. DRUMMOND HAY

Inclosure in No. 40.

Vice-Consul Lapeen to Sir J. Drummond Hay.

Sir,

Daralaida, June 30, 1883.
I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 16th instant, inclosing the copy of one received from Lord Granville referring to the appointment of country Moors as servants, and in which his Lordship demands [1445] H

for me to furnish further explanations of the grounds on which protection is extended to them.

By the Madrid Convention of 1880 the number of *sensars* is limited to two for all merchants "en gros;" this limitation puts them to great inconvenience, because the number is not sufficient for those merchants who have to attend to an extensive business, and all British merchants are in this position.

In my despatch of the 31st January last I accompanied a note of *sensars* employed by the subjects of other nations, and I called your Excellency's attention to the fact that whilst six British merchants here only employed twelve natives as *sensars*, five French ones employed twenty-seven, and that the business of our nationals, both in imports and exports, was more important than that of all other nations put together, with the object of compensating this, and of securing the position of men which I am forced to employ, I have inserted their names as servants in Consular lists, but they have been employed with the duties of *sensars*.

I have, &c.
(Signed) JOHN LAPEEN.

No. 41.

Earl Granville to Viscount Lyons.

(No. 702.)

My Lord,

Foreign Office, July 19, 1883.

I HAVE received your Excellency's despatch No. 432 of the 12th instant, and have to state to you, in reply, that I approve the terms of the note which you have addressed to the French Government inquiring why Giovanni Mangano a Maltese, was detained in custody by the French military authorities at Tunis, although Her Majesty's Agent and Consul-General had requested that the prisoner might be delivered up to him.

I am, &c.
(Signed) GRANVILLE.

No. 42.

Earl Granville to Viscount Lyons.

(No. 704.)

My Lord,

Foreign Office, July 19, 1883.

WITH reference to your despatch No. 441 of the 14th instant, and to previous correspondence respecting the case of Giovanni Mangano, the Maltese now in the custody of the military authorities at Tunis, in consequence of an affray with a French officer at the railway-station, I now transmit to your Excellency copies of two despatches from Mr. Reade, containing further particulars of this case, and forwarding the depositions of various persons who witnessed the assault committed upon the Maltese.*

I have to request that your Excellency will call the attention of the French Government to the conduct of the French officer, as revealed in these despatches, and that you will urge that an inquiry shall be instituted at once by the military authorities on the spot, as Her Majesty's Government can hardly believe that, if the facts of the case are correctly reported, he has not been guilty of a gross infraction of military discipline in drawing his sword and wounding a defenceless inhabitant in consequence of a mere altercation such as is described by the witnesses.

I have further to request that your Excellency will apply for access to the prisoner being granted to his wife, who, as it appears from the telegram of which I annex a copy,† is no longer allowed to visit him.

Your Excellency will, in making this application, explain that the very important question of jurisdiction which is raised by this occurrence is engaging the careful attention of Her Majesty's Government, and will form the subject of further correspondence.

In the meanwhile, Her Majesty's Government would be glad if the French Government could see their way to the liberation of the prisoner, pending further inquiries, in view of the personal injuries he has received at the hands of the French officer, and the grave question which has arisen as to jurisdiction.

I am, &c.
(Signed) GRANVILLE

* Nos. 36 and 37.

† No. 38.

No 44*

Viscount Lyons to Earl Granville.—(Received July 19.)

(Telegraphic.)

Paris, July 19, 1883, 6 P.M.

MINISTER for Foreign Affairs informs me that the Maltese arrested at Tunis on the charge of having struck a French officer has been released without being brought up for trial "par Arrêt à non-lieu," it having appeared that at the time he was intoxicated and therefore responsible for his actions, and the imprisonment he had already undergone having been taken into consideration.

No. 43

Earl Granville to Mr. Reade.

(No 5.)

(Telegraphic.)

Foreign Office, July 19, 1883, 5 P.M.

INFORM wife of Mangano that Her Majesty's Ambassador at Paris will be instructed to request that she may be allowed access to her husband.

No. 44

Sir J. Pouncefote to Captain Tryon.

SIR JULIAN PAUNCEFOTE presents his compliments to Captain Tryon, and, in reply to his letter to Mr. Currie of the 9th instant, is directed by Earl Granville to say that his Lordship approves the reply which Captain Tryon proposes to return to Genesio Samut, one of the Sfax claimants.

The draft reply and Samut's letter are herewith returned.

Foreign Office, July 19, 1883

No. 45.

Mr. Reade to Earl Granville.—(Received July 20.)

(Telegraphic.)

Tunis, July 19, 1883.

MANGANO has been set at liberty by French military authorities.

No. 46.

Reply to the Memorandum annexed to the Letter from the Foreign Office of June 20, 1883.—(Communicated to Earl Granville by Count d'Aunay, July 20.)

Loi du 27 Mars, 1883.

ARTICLE 2. L'Article 2 de la Loi du 27 Mars, 1883, rattachant le Tribunal de Tunis au ressort de la Cour d'Appel d'Alger, il en résulte que cette Cour connaîtra des appels interjetés contre les Jugements du Tribunal de Tunis. Aux termes de l'Article 7 de la même Loi, les règles de Procédure actuellement en vigueur en Algérie s'appliqueront dans cette circonstance.

Art. 4. En ce qui concerne les causes criminelles, le droit d'appel proprement dit n'existe pas dans tous les cas en France. Il faut distinguer suivant qu'il s'agit de délits justiciables du Tribunal Correctionnel ou de crimes justiciables de la Cour d'Assises. Dans le premier cas seul on peut en appeler. La Cour d'Appel est alors compétente comme en matière civile ou commerciale. Les Jugements prononcés par le Tribunal de Tunis statuant au correctionnel pourront donc faire l'objet d'un appel devant la Cour d'Alger.

En matière de crimes où les Cours d'Assises sont compétentes, il n'y a pas d'autre recours possible contre leurs décisions que le pourvoi en Cassation pour violation de la loi. Il en sera de même à Tunis où les cas de la Cour d'Assises d'Assesseurs constitue une véritable Cour d'Assises. Le pourvoi à la Cour de Cassation de Paris sera introduit sous les mêmes formes qu'en France et en Algérie.

Des mesures d'atténuation ou de remise de peine pourront être prises en Tunisie à la suite des Jugements correctionnels ou criminels du Tribunal, comme en France, par le Président de la République.

Art. 5. L'Arrêt de renvoi d'un accusé devant la Cour d'Assises est un acte d'instruction rendu par la Cour d'Appel, en dehors de l'accusé, sur le vu des pièces d'information. Le sujet Britannique arrêté sous l'inculpation d'un fait qualifié crime, ne sera pas transporté à Alger, mais il attendra à Tunis le moment de comparaître devant le jury, si la Chambre des Mises en Accusation de la Cour d'Appel d'Alger ordonne, sur le vu des pièces d'instruction, son renvoi devant les Assises.

Il y a là une garantie pour l'accusé qui ne peut être renvoyé aux Assises que s'il y a contre lui, d'après les renseignements de l'instruction, présomption suffisante de

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WITHOUT PERMISSION OF THE

No. 46 A.

Viscount Lyons to Earl Granville.—(Received July 21.)

(No 433)

Paris, July 19, 1883.

My Lord,

I have the honour to forward to your Excellency herewith a copy of the autograph letter by which his Excellency was so good as to convey this information to me.

I have, &c.

(Signed) LYONS.

Inclosure in No. 40.

M. Challemei-Lucour to Viscount Lyons.

Mon cher Lord,

Paris (no date, received July 19, 1883)

ON s'informe que le Maltais qui avait frappé un de nos officiers à Tunis dans la gale de la Goelette vient d'être mis en liberté à la suite d'un Arrêt de non-lieu. On a reconnu qu'il était à ce moment en état d'ivresse et à peine responsable de ses actes. On a tenu compte d'ailleurs de la détention qu'il a subie et qui a paru constituer une peine suffisante du délit commis par lui.

Je vous prie, &c

Si, 96) P CHALLEMEL-LEMOUR

No 40 n

Viscount Lyons to Earl Granville, (Received July 21.)

(No. 450)

Pr. x July 20, 1883

My Lord,

I HAVE this morning had the honour to receive your Lordship's despatch No. 74 of yesterday, informing me that a man named M. de la Fère, a French Government representative, had been arrested at Milan by the Austrian Government, who was arrested at Turin and kept in custody by the French military authorities.

Your Lordship's despatch has thus crossed the Atlantic No. 40 and the despatch No. 453, in which I reported to you yesterday that M. Charles-Lacour had informed me that Giovanni Mangano had been set at liberty.

The applications which your Lordship instructs me to make, that Mangano's wife may have access to him, and that he may be set at liberty, would seem therefore to have become unnecessary. The release of Mangano does not, however, appear to affect the main request which I am directed to make, namely, that an inquiry into the conduct of the French officer who wounded Mangano may be instituted. Nevertheless, I think it will be expedient for me to postpone addressing the French Government until I receive instructions from your Lords in given after the receipt of my telegram of yesterday.

Mangano being at liberty, no injury can accrue to him from my postponing the representation for two or three days, while, on the other hand, the effect of it would be weakened if it appeared to be founded solely upon instructions issued by Her Majesty's Government before they were aware of the release of the prisoner.

I think it well, therefore, that further restrictions from your Lordship should be
awarded

I have, &c

(Signed) LYONS

No. 48.

Karl Granville to Mr. Plunkett.

(No. 714.)

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1 If W.F. received Lord Lyons' despatch No. 146 on the 2nd instant, referring to the case of the Matrese, Giovanni Mangano, who was arrested in 1883 by the French military authorities, and suggesting that in consequence of the release of the prisoner, who was effected prior to my instruction to his Excellency No. 74 of the 19th instant, it might for reasons which his Excellency explains, be advisable to postpone acting on that part of the instruction which relates to an inquiry into the conduct of the French officer. On the remaining point, an application to the French Government for the prisoner's wife to be allowed access to him having become unnecessary.

Foreign Office, July 23 1953.

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I approve of Lord Lyons having under the circumstances deferred taking any action on my despatch No. 704 of the 19th instant pending further instructions.

I have now to request that you will express to M. Challemeil-Lacour the satisfaction of Her Majesty's Government at the release of the prisoner Mangano by the military authorities, but you will, at the same time, communicate to his Excellency the substance of the evidence furnished to them by Consul Reade respecting the conduct of the French officer who drew his sword against the Maltese and wounded him in the head, a proceeding which brought forth remonstrances from the bystanders and which certainly appears to have been quite unjustifiable. You will state that Her Majesty's Government would be glad to learn that an inquiry has been, or is about to be, instituted, into the conduct of the officer on this occasion, and you will add that the important question of jurisdiction raised in this case is engaging the careful attention of Her Majesty's Government, and will form the subject of further correspondence.

I am &c
(Signed) GRANVILLE

No. 49.

Question asked in the House of Lords, July 21, 1883.

Tunis Capitulations.

The Earl De La Warr.—To ask the Secretary of State for Foreign Affairs what steps have been taken with regard to the question of the Capitulations in the Regency of Tunis; also, to ask if information can be given relative to the reported arrest of a Maltese British subject at Tunis by the French military authorities, and to move an address for papers and correspondence.

Earl Granville, in answer to the first part of the question put by the noble Earl, said that the French Government had communicated with the British Government on the subject of the French criminal Tribunals in Tunis and expressed a hope that Her Majesty's Government would waive their rights under the Capitulations so far as to allow English subjects to be brought under the jurisdiction of the French criminal Tribunals, just as French criminals were brought under the jurisdiction of the English Tribunals in Cyprus. Her Majesty's Government replied that they had no objection to waive their claims to that extent, but they did not think it necessary to make any further changes in the absence of a general agreement among the other Powers represented in Tunis. With regard to the second part of the question, he had to say that it was true that a Maltese British subject was arrested by the French military authorities, and that, in the opinion of our Consul, the arrest was not justified by the circumstances. The prisoner had been wounded by a French officer. The Government telegraphed at once for a reply to a hotel at Tunis and to Paris. The answer from the French Representative at Tunis, was that he had no wish to interfere with the Treaty rights, but this was a special case of an insult offered to a French officer. Instructions were also sent to Lord Lyons, but they were crossed by a communication containing the news that the prisoner had been released on the ground that he had been sufficiently punished. Further communications were taking place between the French Government and Her Majesty's Government. There would be no difficulty about the publication of papers at the proper time.

No. 50.

Mr. Reade to Earl Granville.—(Received July 25)

(No. 76)
My Lord,

WITH reference to my telegram of yesterday, and our own the release of the British subject Giovanni Vauclara, who had been arrested by the French military authorities and detained in their custody. I have the honour to transmit to your Lordship a copy Baron d'Estournelle's letter informing me of the circumstance, and of my reply.

I have &c
(Signed) THOS. F. READE

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RECEIVED
OFFICE OF THE
SECRETARY OF STATE
FOR FOREIGN AFFAIRS
LONDON

Inclosure 1 in No. 50.

Baron d'Estournelles to Mr. Reade.

M. l'Agent et Consul-Général,

Tunis, le Juillet, 1883.

J'ai l'honneur de vous faire savoir que les charges relevées contre le Sieur Mangano n'ayant pas été jugées par l'instruction suffisantes pour motiver contre lui des poursuites judiciaires, une Ordonnance de non lieu a été rendue en sa faveur.

Agréé, &c.

(Signé) D'ESTOURNELLES.

Inclosure 2 in No. 50.

Mr. Reade to Baron d'Estournelles.

Tunis, July 20, 1883.

Sir, I HAVE the honour to acknowledge your letter dated July 1883,* and informing me that, whereas the charges preferred against Giovanni Mangano have not been deemed sufficiently important to render any more formal judicial proceedings necessary, a Decree of "non lieu" has been issued in his favour.

In making this acknowledgment, I feel it is my duty to do so under reserve so far as regards the "instruction" or inquiry which you tell me has taken place, and which, according to Treaty and the comity of nations, is within the competence only of Her Majesty's Consular Court.

I have, &c.

(Signed) THOS. F. READE.

No. 51

Sir J. Pouncefote to the Law Officers of the Crown and Dr. Dewar.

Foreign Office, July 25, 1883.

Gentlemen, I HAVE the honour to transmit to you, by direction of the Secretary of State the papers noted in the accompanying list,† which relate to the case of a Maltese British subject, Giovanni Mangano, who was arrested by the French military authorities at Tunis under the circumstances detailed in Consul-General Reade's despatch No. 33 (Print p. 1).

It appears that Mangano was one of a crowd of persons who had collected at the booking office of the Italian Railway Station, and were striving for precedence in obtaining their tickets, when he came into bodily contact with a French officer, Captain Nicholas.

An altercation ensued, followed by a succession of blows from the French officer upon the head or face of the Maltese, who was seized and rendered powerless by the French military present at the time. In this condition, according to the testimony of eye-witnesses, he was struck by the French Captain across the head with his drawn sword, and subsequently conveyed to the military guard-house.

Mr. Reade's demand that the prisoner should be handed over to the charge of Her Majesty's Consulate was refused, and it was informed by the French Representative that it was impossible to prevent the case going through the regular course of procedure by court-martial, whilst Baron d'Estournelles at the same time maintained that this case of Mangano does not affect the question of Consular jurisdiction or Treaty rights.

In reply to a representation which Lord Lyons was instructed to make on this subject to the French Government, the Minister for Foreign Affairs has replied, as you

* The day of the month does not appear.—T. F. R.

† Mr. Reade (Telegraphic), No. 13, July 9; to Mr. Reade (Telegraphic), No. 4, July 11; ditto (Telegraphic), No. 13, July 11; to Viscount Lyons (Telegraphic), No. 18, July 11; ditto, No. 602, July 11. Mr. Reade (Telegraphic), No. 14, July 12; ditto (Telegraphic), No. 16, July 13. Madame Mangano (Telegraphic), July 14. Viscount Lyons, No. 432, July 19; ditto, No. 447, July 14; Mr. Reade, No. 33, July 11; ditto, No. 34, July 11; Madame Mangano (Telegraphic), July 19; to Viscount Lyons, No. 701, July 19; to Mr. Reade (Telegraphic), No. 5, July 19; to Viscount Lyons, No. 704, July 19. Mr. Reade (Telegraphic), July 19. Viscount Lyons (Telegraphic), No. 45, July 19; ditto, No. 452, July 19; ditto, No. 453, July 20; ditto, No. 456, July 20; to Mr. Plunkett, No. 716, July 23 1883. "Journal du Droit International Privé." Memorandum on the outrages on foreigners and British subjects in Tunis, 1882, by Arthur J. L. Murray, Esq., pp. 44, 53. Treaties between France and Tunis, May 21, 1824 and August 8, 1830. Treaties between France and Italy, July 19, 1875.

will see from the inclosure in Lord Lyons' despatch No. 441 of the 14th instant, that the attack by the Maltese on a Captain attached to the French army constitutes an offence committed in a foreign country against a person attached to an army occupying that country, and that consequently, according to international law, the offender is subject to the jurisdiction of the military Tribunals of that army.

The legal justification put forward by the French Government for this assumption of military jurisdiction over Mangano is supported in an article contained in the accompanying number of the "Journal du Droit International" (Nos. 9 and 10 of 1882, p. 511).

It appears, however, to Earl Granville that it may be urged that the French occupation of Tunis was effected on the express understanding that all the rights and privileges of foreigners would be respected, and that, even if martial law should be held to override the ex-territorial jurisdiction secured to foreigners in the Regency during actual hostilities or resistance to the military occupation, the reason of martial law has now ceased, and its continuance is incompatible with the establishment of the French Protectorate and of French Tribunals, and of civil government by the French authorities.

If the plea advanced in the present case be admitted, there seems to be no reason why military jurisdiction should not prevail in numerous cases so long as the French have troops in Tunis, and differing from the treatment received by Mangano, the question assumes considerable importance.

I am to request that you will take the papers transmitted herewith into your consideration, and that you will favour Lord Granville with your opinion on the validity, in point of law, of the grounds on which the French Government justify the action of their military authorities against Mangano, and with any general observations which you may have to offer on the case.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 52

Mr. Plunkett to Earl Granville.—(Received July 26)

(No. 472)

My Lord,

Paris, July 25, 1883.

IN compliance with the instructions contained in your Lordship's despatch No. 716 of the 23rd instant, I called this afternoon on M. Challemel-Lacour, and expressed to him the satisfaction felt by Her Majesty's Government at the release by the French military authorities in Tunis of the British subject Giovanni Mangano.

At the same time I left with his Excellency an abstract, copy of which is herewith inclosed, of the evidence furnished to Mr. Reade respecting the conduct of the French officer who had drawn his sword on the Maltese and wounded him in the head, a proceeding which seemed to have been unjustifiable, and to have called forth remonstrances from the bystanders, and I said that, under the circumstances, Her Majesty's Government would be glad to learn that an inquiry had been, or would be, made into the conduct of the officer.

His Excellency replied that in cases of this kind there was usually a conflict of evidence, and it was difficult to get at the facts; but there would be no course on the part of France to avoid inquiry into the conduct of the officer, and if such inquiry had not already been made, steps would be taken to make one.

I further informed his Excellency, as desired by your Lordship, that the question of jurisdiction raised in this case was engaging the careful attention of Her Majesty's Government, and would form the subject of future correspondence.

M. Challemel-Lacour implied his assent to this arrangement.

I have, &c.

(Signed) F. R. PLUNKETT.

Inclosure in No. 52

Memorandum.

M. DAVID CARDOVO, an Italian subject, resident at Tunis, and a lawyer by profession, stated that he was in a crowd close to the ticket-office of the Italian Railway

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Earl Granville to Mr. Fraser.

(No. 180.)

Sir,

Foreign Office, July 28, 1883.

THE Italian Ambassador called upon me this afternoon, and showed me a telegram which he had received from M. Mancini as to the oath required of foreign advocates before permission is granted them to practise before the new Tribunals in Tunis.

M. Mancini states that, according to the very precise accounts received from M. Raybach, the Italian Representative, the oath refers exclusively to the Laws, Decrees, and other measures in vigour "in Tunisia." This being the case, and as M. Raybach pressed for an immediate answer, M. Mancini had replied that he saw no objection to the formula.

I said that, at first sight, the proposal did not seem to us to be free from objection, but that we had not yet given an answer.

I am, &c.
(Signed) GRANVILLE.

No. 54*

Earl Granville to Mr. Plunkett.

(No. 733.)

Sir,

Foreign Office, July 30, 1883.

I APPROVE the representations which you have made to the French Minister for Foreign Affairs respecting the case of the British subject Giovanni Mangano, as reported in your despatch No. 472 of the 25th instant.

I am, &c.
(Signed) GRANVILLE.

No. 65.

Earl Granville to Count Nigra.

M. l'Ambassadeur,

Foreign Office, July 31, 1883.

I HAVE the honour to acknowledge the receipt of the note which you addressed to me on the 10th instant, stating what are the views of the Italian Government as to the reserves to be made in consenting to the wishes of the French Government in the matter of the withdrawal of Consular jurisdiction in Tunis, as regards the inviolability of private domicile and the immunity of the Consular residence.

I have, however, to observe, in reply to your Excellency's inquiry whether Her Majesty's Government agrees with the views of the Italian Government as set forth in your note above referred to, that I do not propose to claim for private individuals and third parties any exemption or privilege which is not claimed by French citizens on the assumption, however, that the process of law is to be executed by French officials.

It appears to Her Majesty's Government that it would be wiser to adhere to the general language used in the note to M. Tissot of the 20th ultimo, and to postpone as little as possible, leaving any doubtful points to be arranged as they may arise with reference to the formula which Her Majesty's Government has adopted.

I have, &c.
(Signed) GRANVILLE.

No. 76.

Sir H. Elliot to Earl Granville.—(Received August 1.)

(No. 197.)

My Lord,

Vienna, July 16, 1883.

I SHOWED to Count Kalnoky your Lordship's note to M. Tissot of the 20th ultimo on the subject of the recognition of the French jurisdiction in Tunis.

His Excellency said that the draft of an answer to the French communication had been submitted to him by the Italian Government, but there were expressions in it (1445)

Station, that he saw a French military officer, Captain Nicholas, whom he (Cardovo) knew by sight, after a short altercation of words with a man standing by, strike the man (Giovanni Mangano) several blows in the face with his fist. M. Cardovo had seen the cause of the altercation and attack. The man attacked then withdrew to a short distance, followed by the officer, who was kicking him.

Cardovo then saw the officer draw his sword and strike the man on the head, upon which Cardovo went up to the officer and remonstrated with him. Words passed between them which resulted in nothing.

On being asked whether he had seen Captain Nicholas or do anything in connection with the incident, M. Cardovo answered that he bore everything so patiently that it may be that at the moment of striking away to get my ticket he may possibly have done something, but, if so, it could only have been after receiving the blow.

He also stated that M. Felix he saw at the same subject and merchant resident at Tunis, near the entrance of M. Cardovo.

He states that he was at the station where there was a great crowd of people pushing each other to obtain tickets. He heard a noise, and turning round, saw the Maltese officer, Giovanni Mangano, who was in the crowd, and a French soldier striking him repeated blows on the head with his sword. Captain Nicholas then struck the Maltese a blow with his sword on the head; blood flowed from the head of Mangano immediately after the blow was given. M. Bensasson then saw M. David Cardovo go up to the French officer and remonstrate with him at the station.

The residence of M. Alessandro Pas, an Italian subject and merchant resident at Tunis, was identical with that of M. Bensasson in every detail.

Giuseppe Barrago, an Italian subject resident at Tunis, states also that he was present at the railway station on the occasion of the attack, and that he saw the officer use a most offensive name to the Maltese, Giovanni Mangano, and that he then saw the French soldier strike M. Mangano on the head.

The French officer afterwards unsheathed his sword and struck the Maltese on the head with it, inflicting on him a wound. The Maltese was immediately seized by four French soldiers.

Captain Nicholas then went away and the French soldier who struck the Maltese with his sword, but the latter in self-defence got hold of the soldier and threw him down. Upon this several military men caught hold of Mangano and beat him.

No. 77.

Earl Granville to Mr. Plunkett.

(No. 730.)

Sir,

Foreign Office, July 26, 1883.

IN the course of my conversation with the French Ambassador this morning, your Excellency alluded to the question of the new Tribunal's establishment in Tunis, and that he hoped that the answer which the French Government had returned to our inquiries on certain points had been satisfactory.

I stated that we were anxious to have the heads of the Government notified that I was the representative of an off-hand of the Government.

His Excellency said that the answer would be found to correspond entirely with our views.

I then referred to the unfortunate question which has arisen with regard to the ill-treatment and arrest of a Maltese at Tunis.

M. Waddington said that the incident was an exceptional case, resulting from the regulations necessary when a place was in military occupation. If an attack were made upon a British officer or soldier in Egypt, the British military authorities would claim the right of dealing with the offender.

I said that, without wishing at present to discuss the point of law, I felt quite convinced that if a British officer in Egypt or elsewhere had drawn his sword on an unarmed civilian, and cut him across the head, he would be regarded as having committed a very serious offence, and be treated accordingly.

I am, &c.
(Signed) GRANVILLE.

which he did not approve, while your Lordship's note was more courteous towards France, and at the same time contained all that it was necessary to say.

Count Kalnoky has since sent to ask me if I could let him have confidentially a copy of your Lordship's note, in order that he might make it the model for his own answer, and I have taken upon me to comply with his request.

I have, &c.
(Signed) HENRY ELLIOT

No. 57

Sir J. Drummond Hay to Earl Granville.—(Received August 1.)

(No. 65. Confidential.)

My Lord,

Tangier, July 22, 1883.

IN past despatches I have had occasion to mention to your Lordship that my French colleague, M. Orlega, is in the habit of being what he calls extremely frank and outspoken. He is certainly indiscreet, and, I fear, not always truthful—or, at any rate, accurate—in his statements. I think it my duty, however, to report to your Lordship the language he held to me shortly before he departed from Tangier on leave of absence.

In the course of conversation, M. Orlega introduced the subject of the late proffered submission of the Algerian rebel Chiefs, Cid Suleyman and Bou Amama, and read to me passages from a letter he had received from the former.

I congratulated M. Orlega on the success of his negotiations with these Chiefs, as I said it did him great credit. I observed that, not only the French Government, but also the Sultan, ought to feel much indebted to him* for having succeeded in getting rid of these Chiefs, whose turbulent and lawless acts had given rise so often to vexatious and serious questions. I added that, as we sincerely desired the maintenance of friendly relations between France and Morocco, I was sure it would be a source of satisfaction to Her Majesty's Government to learn the submission of these Chiefs.

M. Orlega remarked that the Sultan and his Ministers appeared to be so unfit to govern, and that the country was in such a wretched state, that the maintenance of friendly relations became a very difficult task, and that he saw no remedy for this state of things except that some foreign Power should take possession of Morocco. "Then," he added, "with a civilized Government at Fez, we might hope to have our frontier respected." He went on to say that it would be a satisfaction to them if Spain would take possession of Morocco. "If not," he said, "the time will come when we shall be compelled to annex the country, though we do not at present desire it."

I remarked that I did not see why there should be greater difficulty in finding a *modus vivendi* between France and Morocco now than during the last fifty years; that the conquest of Morocco, from the peculiar position of its seaboard on the Straits, would always raise an international question, and would be opposed by other foreign Powers; that the Spanish Government would act wisely in not entertaining any such proposition as that M. Orlega said it was his wish should be made to them for their financial resources were not such as to enable them to squander money in the conquest of a country which, probably, would be wrested from them by some other Power, and perhaps by France itself. "Spain," I said, "has made much progress latterly, and may become, in course of time, the wealthy and powerful nation she was in former years. It will be time enough then for her to think of carrying out ambitious projects on this side of the Straits. Let us," I added, "leave these questions dormant; we can do no good by discussing them."

I learn, very confidentially, from my Spanish colleague, M. Diosdado, that M. Orlega has held language of a similar character to him, but that he had replied much in the same sense as I had done.

The language of M. Orlega to M. Diosdado, and to my Italian colleague, regarding Morocco, appears to have left on them the impression that the day is not far distant, when France may not have her hands so full as at the present time, that she will seek to extend a Protectorate over Morocco as she has done in Tunis.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

* M. Orlega has lately been decorated with the Legion of Honour.—J. H. D. H.

No. 58.

Mr. Reade to Earl Granville.—(Received August 1.)

(No. 37.)

My Lord,

Tunis, July 28, 1883.

WITH reference to my despatch No. 32 of the 19th ultimo, reporting upon an outrage perpetrated by French soldiers on property in this city belonging to General Ben Ayad, I have the honour to enclose a plan with which I have been furnished of the property in question.

I have, &c.
(Signed) THOS. P. READE.

Inclosure in No. 58.

Plan of Property belonging to General Ben Ayad, showing the exact position of the Ground invaded and occupied by Messrs. Delzol and Marechal.

[Not printed.]

No. 59.

Mr. Plunkett to Earl Granville.—(Received August 1.)

(No. 188.)

My Lord,

Paris, July 31, 1883.

I HASTEN to inform your Lordship that the "Agence Havas" of this afternoon announces that the French Government will lay at once before the Chambers the Convention signed on the 8th June between the Bey of Tunis and the French Minister-Resident.

According to the "Agence," Article I of this Convention stipulates that the Bey, in order to facilitate the working of the French Protectorate, engages to make the administrative, judicial, and financial reforms which the French Government may consider desirable.

Article II stipulates that the French Government will guarantee a loan for the conversion of the consolidated and floating debts of Tunis; the Bey engaging to make no further loan without the consent of the French Government.

Article III stipulates that up to 2,000,000 piastres shall be required for payment of the interest is to be taken from the public resources of the Bey, and the Civil List of the Bey.

I have, &c.
(Signed) F. R. PLUNKETT.

No. 60.

Sir J. Panncefote to the Law Officers of the Crown.

SIR JULIAN PANNECFOTE presents his compliments to the Law Officers, and, by Lord Granville's direction, incloses herewith, to be considered with the papers on the same subject which are now before them, a further despatch from Her Majesty's Agent and Consul-General in Tunis respecting the case of the Maltese Giovanni Mangano.

Foreign Office, August 1, 1883.

No. 61.

Sir R. Morier to Earl Granville.—(Received August 2.)

(No. 117. Confidential.)

My Lord,

Madrid, July 28, 1883.

I CANNOT but conjecture that the language reported in Sir John Drummond Hay's despatch No. 65 (Confidential), of the 22nd July, as having been used by the

No. 60

French Minister at Tangier, in reference to the desirability of Spain annexing Morocco, may have some connection with the "concessions immenses" which the Minister of State, as reported in my despatch No. 110, Confidential, stated that France was ready to make to secure the alliance of Spain.

If this language has been reported to Madrid from Tangier, it would be quite capable of assuming these proportions in the fervent imagination of the Spanish Minister for Foreign Affairs.

I have, &c.
(Signed) R. B. D. MORIER.

No. 62

Aide-Mémoire given to French Ambassador at Rome, July 18, 1883.—(Communicated to Earl Granville by Count Nigra, August 3.)

UN Décret de Son Altesse le Bey de Tunisie en date du 27 Djouad-el-Tam, 1300 (5 Mai, 1883), porte que la Juridiction des Tribunaux Tunisiens, en Tunisie, d'après la Loi Française du 27 Mars, 1853, promulguée dans la Régence par le Décret Régional du 10 Djouad-el-Tam, 1300 (18 Avril, 1883), pourra être exercée par les nationaux des Puissances amies qui consentiront à accepter de résider en Tunisie et de résider en Tunisie.

Son Excellence l'Ambassadeur de France, se référant aux pourparlers antérieurs sur ce même sujet, a bien voulu, d'après les instructions de M. le Ministre des Affaires Étrangères de la République, insister pour obtenir ce consentement de la part du Gouvernement Italien.

Le Cabinet de Rome n'avait pas tardé à s'occuper de cette question grave et délicate.

La colonie Italienne en Tunisie mérite par le nombre de ses habitants et par l'importance de ses intérêts, toute la sollicitude et l'attention du Gouvernement. Il est donc un devoir de lui assurer les plus complètes garanties de sécurité et de bonne justice. Désirant atteindre ce but, et témoigner en même temps, envers la France et son Gouvernement, de nos sentiments amicaux et de notre pleine confiance dans l'activité de la magistrature Française, nous nous étions, dès le commencement, et nous sommes déclarés prêts, en principe, à entrer dans les vues du Cabinet de Paris. Nous nous étions seulement réservé d'étudier la formule par laquelle les tribunaux Tunisiens pourraient intervenir, en vue de concilier notre adhésion avec la sauvegarde des droits et des légitimes intérêts de l'Italie en Tunisie.

Nous sommes aujourd'hui en mesure de déclarer que le Gouvernement du Roi est disposé, à la reprise des travaux Parlementaires, à demander aux Chambres l'autorisation de consentir en Tunisie, ainsi qu'on l'a fait en 1875 pour l'Égypte, à la suspension de l'exercice de la juridiction Consulaire découlant des Capitulations, coutumes, et Traités en vigueur, et au transfert de cette juridiction aux Tribunaux autorisés par le Décret Régional du 5 Mai, 1883, dont les Jugements seront susceptibles d'exécution en Tunisie d'après l'Article 941 du Code de Procédure Civile.* Il doit, cependant, être bien entendu qu'on maintiendra en faveur des nationaux Italiens et des autorités Consulaires en Tunisie, tous autres droits, facultés, et immunités garanties par les Capitulations, coutumes, et Conventions en vigueur, en admettant seulement, en ce qui concerne les simples particuliers, les restrictions nécessaires pour le libre exercice de la nouvelle juridiction. Il est, en outre, bien entendu que cette innovation en matière juridictionnelle ne sera faite dans la Régence envers les nationaux Italiens, qu'autant qu'elle serait également appliquée aux nationaux de tous les autres pays.

Convaincus, comme nous le sommes, que les deux Gouvernements sont également désireux de maintenir et de resserrer leurs rapports amicaux, et nous préoccupant par conséquent de l'éventualité où l'exercice de la nouvelle juridiction pourrait donner lieu en Tunisie à des dissentiments, nous estimons qu'il nous convient d'énoncer dès aujourd'hui, en toute loyauté et franchise, notre manière de voir sur les effets pratiques du nouveau régime à l'égard de quelques points qui pourraient à l'avenir soulever des doutes ou contestations.

1. Le Traité Italo-Tunisien du 8 Septembre, 1868, étant maintenu en vigueur, et son observation, de la part du Gouvernement du Bey étant garantie, la nouvelle magistrature territoriale en Tunisie, comme les Tribunaux du pays, appliquera, envers

* L'Article 941 du Code Italien de Procédure Civile, portant la teneur de l'arrangement intervenu entre l'Italie et la France par la Déclaration du 11 Septembre, 1868.

No. 62*

Mr. White to Earl Granville.—(Received August 4)

(No. 71.)

My Lord,

Tangier, July 27, 1883

WITH reference to Sir J. D. Hay's despatch No. 62 of the 12th instant, transmitting extracts from a letter addressed to him by Her Majesty's Consul at Mogador regarding the reported pillage of goods in Soos belonging to the Soos and North African Company, I have the honour to transmit extracts from a further letter received from Consul Payton, dated the 13th instant, confirming the report, and giving particulars of the arrest of two Moors in the employment of Mr. Curtis.

I have, &c.
(Signed) HORACE P. WHITE.

Inclosure in No. 62*

Consul Payton to Sir J. Drummond Hay.

(Extract.)

Mogador, July 13, 1883.

REFERRING to previous correspondence as to the Soos and North African Trading Company's affairs, especially to my letter of the 6th instant, I now write to inform you that Mr. Andrews has heard that the stores remaining at Erksheesh have been sacked or seized, and two native employes of the Company, who had gone down quite lately from Mogador to Erksheesh to collect some moneys owing, have been arrested by the Sultan's soldiers.

They are Jihaly, a special employé of Mr. Curtis, and Hadj Hamdan, formerly in the service of the Curtis family.

It was reported that they were in Soos, and that Hadj Hamdan received "stiek" daily, but this latter item is not confirmed. I also hear that the letter, by authority of which these arrests were effected, was read to Hadj Hamdan.

Latest reports say that the prisoners are on their way northwards.

Mr. Andrews has applied to me, asking if I could interfere to obtain their release. I need hardly tell you the nature of my reply, which was consistent with your instructions.

These events seem to have cast a considerable shadow over the minds of the Soos Company's Agent and sympathisers here, especially as latest previous reports were that all was quiet at Erksheesh, the Port of Mogador still being open, and the share of the Company in England had been informed that the port was now open, and business would go on actively! And another steamer, with cargo for Erksheesh and, probably, Mr. Curtis as passenger, is supposed to be now on her way thither.

les nationaux Italiens, la législation Italienne aux matières énumérées aux deux derniers alinéas de l'Article XXII du dit Traité (statut personnel et de famille, successions, donations et autres matières réservées par le droit international privé à la législation nationale de chaque étranger), ainsi qu'aux rapports de droit qui se seraient précédemment formés sous l'empire de lois Italiennes;

2. Dans les affaires pénales les trois Assesseurs étrangers adjoints au Tribunal appartiendront, pour les prévenus Italiens, à la nationalité Italienne;

3. L'application de la loi Italienne par les nouveaux Tribunaux pouvant être assez fréquente, l'intervention d'un Assesseur Italien, au moins avec voix consultative, nous paraîtrait également avantageuse dans les affaires civiles et commerciales. Il y a lieu d'insister, à cet égard, d'une manière spéciale pour les affaires commerciales, au sujet desquelles les différences sont sensibles entre les deux législations;

4. Un éclaircissement est nécessaire à l'égard du droit de grâce, les pièces communiquées n'indiquant pas par qui ce droit va être exercé au sujet des Arrêts rendus par les nouveaux Tribunaux;

5. Les avocats et avoués ("procuratori") exerçant actuellement leur profession auprès des Tribunaux Consulaires Italiens en Tunisie continueront d'être admis à l'exercer auprès des nouveaux Tribunaux. Sauf, bien entendu, les conditions de capacité individuelle, les nationaux Italiens seront, à l'avenir aussi, admis à l'exercice de ces professions, ainsi qu'aux emplois de greffe et d'ordre dans les nouveaux Tribunaux;

6. Les protégés Italiens sont, en matière juridictionnelle, assimilés aux nationaux Italiens;

7. Les privilèges et immunités dont les autorités Consulaires Italiennes dans la Régence jouissent en vertu des Capitulations, coutumes, et Traités, sont expressément et intégralement maintenus, et à l'égard de leur personnel, soit à l'égard des réquisitions respectives. Les capitulations coutumes et Traités assurent la jouissance en Tunisie aux simples particuliers de nationalité étrangère, ne devant pas empêcher l'exécution des Jugements rendus, d'après la loi, par la nouvelle magistrature territoriale.

No. 63

Mr. White to Earl Granville.—(Received August 4.)

(No. 72.)

My Lord,

Tangier, July 27, 1888.

THE Italian turret-ship "Dulio" and iron-clad "Palestro" with the dispatch steamer "Agostino Barbarigo" arrived in Tangier Bay this day.

The object of the visit of these vessels is to give support to the demands that have been made upon the Moorish Government by the Italian Minister, Signor Scovasso, who, on the 21st instant, presented to Cid Mohammed Bargash a note requiring payment by the Moorish Government of claims of Italian subjects and natives under Italian protection, amounting to about 70,000 dollars.

These claims are for debts of Moorish subjects and are due principally to Moorish subjects under Italian protection.

The Italian Minister further demanded the dismissal of the Governor of Rabat, an old and trusted servant of the Sultan, who has been Governor of that port for many years, and bears a high character. I am not aware of the precise cause of complaint against this functionary, but I believe it is for some offence given to one of the numerous Moorish subjects under Italian protection.

Signor Scovasso, in his note, insists that satisfaction be afforded to his demands within the term of twenty days.

I have no reason to doubt that the demand for payment of the debts will be acceded to by this Government, which is powerless to resist demands backed by the presence of powerful ships of war, but I think it will be with extreme difficulty that the Sultan will be induced to disburse at the dictation of a foreign Representative, a Government which enjoys His Majesty's confidence, and I shall not be surprised if the Sultan attempts to make a stand against this demand.

I have, &c.
(Signed) HORACE P. WHITE.

Consul White to Earl Granville.—(Received August 4.)

(No. 77.)

My Lord,

Tangier, July 27, 1883.

WITH reference to Sir J. Drummond Hay's despatch No. 62 of the 12th instant, transmitting extracts from a letter addressed to him by Her Majesty's Consul at Mogador regarding the reported pilage of goods in Soos belonging to the Soos and North African Company, I have the honor to transmit an extract from a further letter received from Consul Payton, dated the 15th instant, confirming the report, and giving particulars of the arrest of two Moors in the employment of Mr. Curtis.

I have, &c.

(Signed) HORACE P. WHITE.

Inclosure in No. 64.

Consul Payton to Sir J. Drummond Hay.

(Extract.)

Mogador, July 15, 1883.

REFERRING to previous correspondence as to the Soos and North African Trading Company's affairs, especially to my letter of the 6th instant, I now write to inform you that Mr. Andrews has heard that the stores remaining at Erksheesh have been sacked or seized, and two natives employed of the Company, who had gone down quite lately from Mogador to Erksheesh to collect some moneys owing, have been arrested by the Sultan's soldiers.

They are Jilaly, a special employé of Mr. Curtis, and Hadj Hamdan, formerly in the service of the Curtis family.

It was reported that they were in chains, and that Hadj Hamdan received "stick" daily, but this latter item is not confirmed. I also hear that the letter, by authority of which these arrests were effected, was read to Hadj Hamdan.

Latest reports say that the prisoners are on their way northwards.

Mr. Andrews has applied to me asking if I could interfere to obtain their release. I need hardly tell you the nature of my reply, which was consistent with your instructions.

These events seem to have cast a considerable chill over the minds of the Soos Company's agent and sympathizers here, especially as latest previous reports were that all was quiet at Erksheesh, the British flag still flying, and the shareholders in England had been informed that the port was now open, and business would go on actively. And another steamer, with cargo for Erksheesh, and probably Mr. Curtis as passenger, is supposed to be now on her way thither.

No. 65.

Mr. Plunkett to Earl Granville.—(Received August 4.)

(No. 407.)

My Lord,

Paris, August 3, 1883.

THE "Journal Officiel" has not yet published the text, either of the Bill laid before the Chamber of Deputies, or of the Convention concluded between the Bey of Tunis and the French Minister Resident.

I therefore inclose these documents as published in all the Paris papers of yesterday, and which have all the appearance of being authentic.

Your Lordship will notice a discrepancy in Article III, as given in the press by the Havas Agency inclosed in my despatch No. 458 of the 31st ultimo, and the text now inclosed.

It seems the Article III allows the Bey to charge on the revenues of the Regency: (1) the amount required for the service of the loan guaranteed by France; (2) the sum of 2,000,000 piastres for his civil list. The surplus revenue is then to go to cover the expenses of administration in the Regency and the reimbursement of the costs of the Protectorate.

Although the "Temps" is in no sense an official organ, it is so often correct in its official news, that I beg to call your Lordship's attention to the inclosed extract from its Parliamentary intelligence of yesterday, reporting the language held by M. Cambon, the

French Minister Resident at Tunis, before the Commission appointed to report on the Bill.

He would seem, if properly reported, to have stated that all the Powers have consented to the abrogation of the Capitulations.

The Chambers have not yet had an opportunity of discussing the Report of the Commission appointed to consider this Bill.

I have, &c.

(Signed) F. R. PLUNKETT.

Inclosure 1 in No. 65.

Extract from the "République Française" of August 3, 1883.

VOICI le texte du Projet de Loi qui a été déposé Mardi sur le bureau de la Chambre et qui a pour objet de ratifier la Convention conclue le 5 Juin entre le Gouvernement Français et le Bey de Tunis —

"Projet de Loi.

"Article 1^{er}. Le Président de la République Française est autorisé à ratifier et à faire exécuter la Convention conclue entre le Gouvernement de la République et Son Altesse le Bey de Tunis le 5 Juin, 1883.

"Une copie authentique du dit acte demeurera annexée à la présente Loi.

"Art. 2. Le Ministre des Finances est autorisé à faire, en cas de besoin, à Son Altesse le Bey de Tunis des avances productives d'intérêt à 4 pour cent et remboursables dans un délai maximum de dix années, à partir du 1^{er} Janvier, 1880, sans que les dites avances puissent dépasser la somme de 2,500,000 fr. par an.

"Ces avances seront portées au début d'un compte à ouvrir, parmi les services spéciaux du Trésor, sous le titre: 'Avances à recouvrer sur la Régence de Tunis.'

"Art. 4. Le Ministre des Finances est autorisé, en vertu de la présente Loi, par le Rapport au Président de la République qui sera distribué au Sénat et à la Chambre des Députés, des avances faites et des remboursements effectués par le Gouvernement Beylical."

Voici maintenant le texte de la Convention qui est annexée à ce Projet de Loi:—

"Convention entre la France et la Turquie pour régler les Rapports respectifs des Deux Pays.

"Son Altesse le Bey de Tunis, prenant en considération la nécessité d'améliorer la situation intérieure de la Tunisie dans les conditions prévues par le Traité du 12 Mai, 1881, et le Gouvernement de la République ayant à cœur de répondre à ce vœu et de considérer ainsi les relations d'amitié et de bon voisinage entre les deux pays sont convenus de conclure une Convention spéciale à cet effet. En conséquence, le Président de la République Française a nommé pour son Plénipotentiaire M. Pierre-Paul Cambon, son Ministre Résident à Tunis, officier de la Légion d'honneur, chevalier de l'Ordre du grand-croix du Nichan Iftikar, &c., lequel, après avoir communiqué ses pleins pouvoirs trouvés en bonne et due forme, a arrêté avec Son Altesse le Bey de Tunis les dispositions suivantes:—

"ARTICLE I.

"Afin de faciliter au Gouvernement Français l'accomplissement de son Protectorat, Son Altesse le Bey de Tunis s'engage à procéder aux réformes administratives, judiciaires, et financières que le Gouvernement Français jugera utiles.

"ARTICLE II.

"Le Gouvernement Français autorise Son Altesse le Bey de Tunis à contracter, au paraitront les meilleures, un emprunt à émettre par Son Altesse le Bey pour la conversion ou le remboursement de la Dette Consolidaée existant à la somme de 12,500,000 fr., et de la dette flottante jusqu'à concurrence d'un maximum de 17,500,000 fr.

"Son Altesse le Bey s'interdit de contracter, à l'avenir, aucun emprunt pour le compte de la Régence sans l'autorisation du Gouvernement Français.

"ARTICLE III.

"Sur les revenus de la Régence Son Altesse le Bey prélèvera: (1) les sommes nécessaires pour assurer le service de l'emprunt garanti par la France; (2) la somme de

2,000,000 piastres (1,200,000 fr.), montant de sa liste civile, se surpas des revenus devant être affectés aux dépenses d'administration de la Régence et au remboursement des charges du Protectorat.

"ARTICLE IV.

"Le présent arrangement confirme et complète, en tant que de besoin, le Traité du 12 Mai, 1881. Il ne modifiera pas les dispositions précédemment intervenues pour le règlement des contributions de guerre.

"ARTICLE V.

"La présente Convention sera soumise à la ratification du Gouvernement de la République Française, et l'instrument de la dite ratification sera remis à son Altesse le Bey de Tunis dans le plus bref délai possible.

"En foi de quoi les Souverains ont dressé le présent acte, et l'ont revêtu de leurs cachets.

"Fait à la Marsa, le 8 Juin, 1883."

In closure 2 in No. 65.

Extract from "Le Temps" of August 3, 1883.

ON sait que la Commission de la Tunisie a entendu hier M. Cambon, notre Ministre Resident à Tunis.

Au sujet des Capitulations, M. Cambon a donné d'intéressants renseignements à la Commission. Il a fait savoir que toutes les Puissances consentaient à l'abrogation des Capitulations. L'Italie elle-même, qui s'était montrée réticente par les raisons que l'on sait, a fini par donner son consentement. Le Ministre Italien a promis de présenter à la rentrée du Parlement un Projet de Loi pour faire approuver cette abrogation des Capitulations, parce qu'en Italie la ratification du Pouvoir Législatif est indispensable pour les Traités de ce genre.

L'Angleterre aussi a consenti; les autres Puissances ont toutes donné déjà leur adhésion.

Des demandes d'explications ont été formulées par l'Angleterre et l'Italie. Elles portaient sur deux points principaux:

1. Sur la question de savoir par qui serait exercé le droit de grâce à l'égard des étrangers condamnés par les Tribunaux Français de la Régence; par le Président de la République Française ou par le Bey de Tunis. L'Angleterre et l'Italie veulent bien consentir à l'abandon de leurs privilèges en faveur de la France, mais pas en faveur du Bey.

La seconde question qui a été posée est celle des Assesseurs. Les Assesseurs sont des Français qui sont nommés par le Bey de Tunis. Ils ont le droit de voter avec les Français. On a demandé si les Assesseurs Français ont le droit de voter avec les Français. L'Angleterre demande que ces Assesseurs soient exclusivement Français. On a répondu que, dans les procès intéressant des Français, les Assesseurs sont exclusivement Français.

On voit que les objections sont peu importantes et qu'elles ne sont pas de nature à entraver la solution définitive.

No. 66.

Earl Granville to Sir H. Elliot

(No. 170.)

Sir,

Foreign Office, August 4, 1883.

WITH reference to your Excellency's despatch No. 107 of the 16th ultimo, I have to say that I approve of the course which you have taken in furnishing to the French Ministry with a copy of my note to M. Tissot of the 20th June upon the subject of the proposed recognition of French jurisdiction in Tunis.

I am, &c.

(Signed) GRANVILLE.

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No. 67.

Messrs. McNaught, Pearse, and Middleton to Earl Granville.—(Received August 6.)

My Lord,

9, Crosby Square, London, August 4, 1883.

WE, the undersigned agents of the Sids and North African Trading Company (Limited), most respectfully inform your Lordship that, on or about the 27th day of June last, our goods landed and stored at Ecksheesh, in the Empire of Morocco, have been plundered by sundry tribes, the tents broken up, and everything carried off causing us a loss of 10,000/.

It is said this has been done by order of the Emperor of Morocco, although orders for the protection of our property as British subjects had been given, and of which we have been made acquainted by the Caïd of that district, and by the Chiefs of the friendly S'hooria tribe.

Under these circumstances we solicit your Lordship's interference, and permission to forward, through the Foreign Office, our claim on the Moorish Government for our loss, and would feel very grateful to your Lordship, when sending the same to Her Majesty's Minister at the Moorish Court, strongly to recommend the case for a speedy and equitable adjustment.

That the Emperor was a party to the occurrence cannot be doubted. The Sultan's troops were at a quarter of a mile from the spot, and the officer in command threw all our slaves (Moorish subjects) into prison, had them severely flogged, and all the goods.

We have, &c.

Signed) McNAUGHT, PEARSE, AND MIDDLETON,
Agents to the Sids and North African Trading Company (Limited).

No. 68.

Mr. Reade to Earl Granville.—(Received August 6, 7.45 P.M.)

(No. 1)

(In continuation)

Tunis, August 6, 1883, 1.00 P.M.

With reference to the question of International Finance, and by paying off Tunisian debt, I am requested to be opposed to the fundamental principle of the proposed constitution.

The paper will be forwarded to your Lordship by post.

No. 69.

Earl Granville to Mr. Plunkett

(No. 712.)

Sir,

Foreign Office, August 6, 1883.

I TRANSMIT to you herewith a Petition relative to a claim for compensation advanced by the Sids and North African Trading Company (Limited) by their agents, Messrs. McNaught, Pearse, and Middleton, on the 25th June, 1883. I would also inform you that the keys of the safe belonging to the French Consul before leaving the town, which was used to deposit the keys of the safe, have been found for the safety of their lives.

I have to request that you will represent this case to the French Government inquiring whether any provision has been made to meet such claims.

I am, &c.

(Signed) GRANVILLE.

No. 70.

Mr. Reade to Earl Granville.—(Received August 7.)

(No. 39.)

My Lord,

Tunis, August 1, 1883.

WITH reference to my despatch No. 30 of the 11th June last, reporting upon the subject of General Sid Hamida Ben Ayad's claims against the Tunisian Government, and

No. 24.

[1445]

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informing your Lordship that, conformably with a request I had received to that effect from Mr. A. M. Broadley, Barrister-at-Law, and legal representative of the claimant, I had submitted the case to the consideration of M. Cambon with a view to an early and definitive settlement of an affair which had been for so many years a source of disagreement between the Tunisian Government and this Office.

Six weeks passing without any reply being made to my letter to M. Cambon, I addressed him on the 10th of June, and in the course of the interview I remarked upon the urgency of the case, and expressed a hope that the delay I had waited for so long in respect to it would be shortly forthcoming. On the 17th I received a reply from the Baron d'Estournelles to the effect that he would inform himself of what was being done in the matter, and let me know as soon as possible the result of his inquiries. Of the two last above-mentioned letters I beg to transmit copies.

I have since been informed by Baron d'Estournelles that a formal reply is being prepared to the Memorial by the Prime Minister, and that it will be forwarded to me in the course of a few days. I feel, however, it is useless to wait any longer for this reply, as the result of the Government's tenour will not, I fear, be satisfactory. Were it otherwise, I should have no doubt that the Tunisian Government is not averse to the proposal of an arbitration.

The fact that the Government is a party litigant in the questions at issue ought, it appears to me, to be ground sufficient for the institution of an Arbitration Commission, and any plea or arguments it may think proper to put forward in its defence would of course be duly considered by that Commission.

I venture, therefore, to hope your Lordship may be pleased to concur in the view that no fairer or more convenient mode can be devised for the settlement of the Ben Ayud claims than that of the proposed arbitration.

Any reply or further communication I may receive from the French Government respecting these claims I shall not fail to duly report to your Lordship.

I have, &c.
(Signed) THOS. F. READE

Inclosure 1 in No. 70

Mr. Reade to Baron d'Estournelles

Sir,
ON the 28th May last I had the honour to receive from M. Cambon a copy of a letter I had received from Mr. A. M. Broadley, Barrister-at-Law, in which he enclosed a letter with reference to General Sidi Hamida Ben Ayud's claims against the French Government.

I have since been informed by Baron d'Estournelles that a formal reply is being prepared to the Memorial by the Prime Minister, and that it will be forwarded to me in the course of a few days. I feel, however, it is useless to wait any longer for this reply, as the result of the Government's tenour will not, I fear, be satisfactory.

Not having been honoured with any reply to that communication, and the situation of Sid Hamida being proportionately aggravated, I shall be obliged by your informing me of any further developments in the matter, or whether, in the event of a settlement, some arrangement can be made for the settlement of the claims. I have, however, to state that, by last communication, that the claims in question be referred to an arbitration, contrary to what has been the practice hitherto observed in cases of this kind.

I have, &c.
(Signed) THOS. F. READE

Inclosure 2 in No. 70

Baron d'Estournelles to Mr. Reade

M. l'Agent et Consul-Général,
Je m'empresse de vous accuser réception de votre lettre en date du 12 de ce mois, relativement aux réclamations que le Général Hamida Ben Ayud élève contre le Gouvernement Tunisien.
Tunis, le 17 Juillet, 1883.

Je vais prendre les informations que vous me demandez, et je ne manquera pas de vous les faire connaître aussitôt que je les aurai obtenues.

Avec, &c.
D'ESTOURNELLES.

No. 71

(No. 37)

Sir,
I have the honour to acknowledge the receipt of your letter of the 10th inst. in relation with M. Ordega's claim against the French Government, and I have to state to you that M. Ordega is approved by Her Majesty's Government.

I am, &c.
(Signed) GRANVILLE.

No. 72

Mr. Plunkett to Earl Granville.-(Received August 8.)

(No. 500.)

My Lord,
Paris, August 7, 1883.
WITH reference to my despatches Nos. 488 and 497 of the 31st ultimo and the 3rd instant respectively, I have the honour to inclose the Bill, as laid before the Chambers, for the ratification of the Convention concluded between the Bey of Tunis and the French Minister Resident.

The text is similar to that already published in the Paris newspapers transmitted to your Lordship on the 3rd instant.

The "Exposé des Motifs," which precedes the Bill in the inclosure now forwarded, sets forth the Convention is the fulfilment of the promise made to the Legation in Tunis by the French Government that the Government would shortly submit the further measures necessary for completing the French Protectorate in Tunis. The Convention has been settled with some reserve, and the financial and administrative arrangements have been concluded to last summer with the late Bey of Tunis. The Convention of this year was concluded.

Your Lordship will not fail to observe that the Convention gives the Bey the free administration of his finances and on the consequent necessity of setting back the disposal (under French control) of the revenues conceded in 1870 to the International Financial Commission. France, therefore, must substitute for that of the Commission; and it will be necessary to repay, or to cover, the deficits represented now by the International Financial Commission. A similar arrangement is also indispensable.

The "Exposé" in giving a review of the financial state of the Regency states the revenue at 11,605,463 fr., of which 5,454,966 fr. are controlled by the International Financial Commission. It says, it is insufficient to meet the expenditure, and as a reduction in the capitation tax and in the export duties is imperative, the deficit to be covered will, for the first few years, be considerable. There is, however, reason to expect that the Tunisian forests will bring in a large revenue, and that the increase of general prosperity, consequent on the introduction of a better administration, will soon increase the produce of the customs dues and other taxes.

The "Exposé" reminds the Chamber of the wish it had previously expressed for the reform of the administrative organization and of the system of Capitations, and says that it is in harmony with these views that the Convention has been concluded.

An abstract of the Budget of the Regency is also annexed to the "Exposé."

I have, &c.
(Signed) F. R. PLUNKETT.

Projet de Loi portant approbation de la Convention conclue avec Son Altesse le Roy de Tunis le 8 Juin, 1883 (renvoyé à la Commission relative à l'Organisation des Services en Tunisie), présenté au nom de M. Jules Grévy, Président de la République Française, par M. Chaulemel-Lacour, Ministre des Affaires Étrangères, et par M. P. Tirard, M. des Finances.

Erzeugung der Motive.

Messurement.

DANS la déclaration faite au Parlement, le 22 Février dernier, nous annonçons l'intention de vous soumettre prochainement "la suite des mesures destinées à compléter l'organisation du Protectorat en Tunisie," avec la conviction "que cette organisation permettrait de réduire rapidement, dans des proportions considérables, les charges de l'occupation." C'est en exécution de cette promesse que nous venons aujourd'hui vous demander les pouvoirs nécessaires pour accomplir les réformes administratives et financières de la Tunisie les réformes jugées indispensables. Cette réforme n'est du reste, pas nouvelle, et le Traité de Kasr-Said, du 12 Mai, 1881, Art. XVI, avait déjà prévu qu'il y aurait lieu de procéder à "une organisation financière de la Régence, de nature à assurer le service de la dette publique et à garantir les droits des créanciers de la Tunisie.

Le Gouvernement de la République n'avait pas perdu de vue cette stipulation ; mais avant de songer à réorganiser les finances et l'administration locales, il convenait d'abord de réformer le système judiciaire : tel a été le but de la Loi du 27 Mars, 1883.

Depuis cette époque, des Tribunaux fonctionnent sur toute l'étendue de la Belgique; ils connaissent déjà des litiges intéressant les Français et les sujets de plusieurs États voisins, et ont renoncé, dès à présent, aux privilèges résultant du régime des Consuls. Nos pays, nous ne pouvons le nier, ne sont plus les étrangers seront traités en Français. Les Tribunaux de Commerce et les Consulaires ne sont pas encore formés, nous ont, en effet, donné à cet égard, les assurances les plus satisfaisantes, et la plupart d'entre elles n'attendent même pas que le Congrès ait donné son assentiment à la loi qui leur en a été confiée par leurs lois Constitutionnelles.

Il ne saurait donc y avoir, désormais, de ce chef, aucun empêchement à ce que nous nous appliquions à doter la Régence d'institutions administratives et financières dont le fonctionnement assurera aux populations les avantages qu'elles sont en droit d'attendre de notre Protectorat; ce n'est pas admissible, en effet, que la responsabilité de l'état de choses actuel. La réforme dont il s'agit s'impose comme une impérieuse nécessité à quiconque connaît les vices fondamentaux du système financier en vigueur en Tunisie. Qu'il nous suffise de signaler ce fait que les principales sources de revenus de la Régence sont, d'une part, un impôt de capitation (ou d'habitation) de 70 francs par tête, et d'autre part des droits de 75 francs par tête élevés établis sur toutes les productions du pays, et notamment sur les huiles et les céréales. Ces exemples suffisent pour démontrer la nécessité d'introduire de profondes modifications dans l'assiette des impôts.

Nos prédécesseurs l'avaient déjà compris; des négociations avaient été engagées, au mois de Juillet de l'année dernière, avec le feu *Boy* Mohammed Essadock, qui avait souscrit un arrangement auquel les circonstances n'ont pas permis de donner suite. Les pourparlers ont été repris et ont abouti à un *Conventio* conclue avec le nouveau *Boy* à la date du 8 Juin, 1883. C'est cet acte que nous avons l'honneur de soumettre aujourd'hui à l'approbation de la Chambre.

L'Article 1^{er} de la Convention a pour but d'obliger Son Altesse le Bey de Tunis à procéder aux réformes administratives, judiciaires, et financières que le Gouvernement de la République jugera nécessaires pour l'accomplissement de son Protectorat. L'Article 2 est relatif à la garantie de la Dette Tunisienne, et l'Article 3 oblige Son Altesse le Bey à prélever, sur les revenus de la Régence, les sommes nécessaires au service de la Dette et limite le prélèvement à opérer pour sa Liste Civile.

Pour assurer au Gouvernement du Bey la libre administration des finances de la Régence, et pour lui donner le moyen de procéder aux réformes indispensables au développement des richesses du pays et à la répartition équitable des charges fiscales imposées à la population, il est nécessaire de lui rendre la libre disposition de notre contrôle, des revenus concédés en 1870 à une Commission Financière locale, et de substituer notre garantie à celle de cette Commission.

Nous vous proposons, en conséquence, par application de l'Article 2 de la Convention, d'obtenir la conversion avec réduction du taux de l'intérêt ou le remboursement de la Dette Consolidée Tunisienne au moyen d'un emprunt à émettre par le Roy, sous notre garantie et dont les titres seront offerts aux porteurs actuels.

Quant à la Dette Flottante il y a urgence à faire cesser les renouvellements onéreux auxquels elle donne lieu et de la consolider, en la comprenant dans l'emprunt à émettre pour la conversion de la Dette Consolidée.

L'opération dont nous nous sommes réservé de déterminer l'époque et les conditions, sera d'ailleurs limitée, à titre de maximum aux chiffres suivants : les Bêtes Consueves et l'Épave.

Son Altesse le Bey s'étant interdit par le dernier paragraphe de son Arrêt de contracter, à l'avenir, aucun emprunt pour le compte de la Régence, et ses successeurs, nous sommes absolument prévenus contre l'introduction de charges nouvelles.

La réorganisation administrative du pays accompagnera le transfert de la réforme du régime financier : cette double réforme oblige à convertir ou rembourser l'Etat, afin d'établir les nouvelles dépenses militaires, au budget de son Fret-car Interarmées et à se poser l'éternelle question : Enfin, la diminution du Corps d'Occupation et une économie sensible dans les dépenses militaires doit être, à la fois, le complément et le but des mesures que nous proposons de prendre.

Ainsi, réorganisation administrative, amélioration du régime fiscal, remboursement en creux des dépenses de la dette, diminution des dépenses militaires, telles sont les mesures essentielles que nous nous proposons de réaliser par l'Article 1^{er} du Programme.

Nous vous prions, en même temps, de nous autoriser, par l'Article 2 d'ici, à faire, en cas de besoin, au Gouvernement Beylical des avances productives au taux de 4 pour cent jusqu'à concurrence de 2,500,000 fr. au plus par an. Nous avons, en effet, le devoir de rechercher dans quelle situation se trouverait le Budget de la Régence, après la réorganisation administrative et financière que le Bey s'engage à réaliser, et nous avons été forcés de reconnaître que cette réorganisation pourrait compromettre l'équilibre budgétaire des trois ou quatre premières années au moins et que, par conséquent, l'augmentation des recettes ne pourrait d'abord suffire à couvrir les dépenses. Nous vous prions, en conséquence, d'acquiescer à ce projet de loi et d'autoriser, par l'Article 2 d'ici, le Gouvernement à contracter, pour l'avance de 2,500,000 fr. par an, des emprunts à l'étranger de pouvoir à cet effet de 2,500,000 fr. par an.

Vous trouverez dans ce document l'ensemble des dépenses et des charges de ce Budget dont nous nous bernerons à donner les principaux éléments.

Les recettes s'élèvent, d'après la moyenne des cinq années antérieures, à 11,265,100 francs pour l'occupation,

[illegible]

| | |
|---|-----------|
| L'unification de ces deux dettes, qui s'élèvent en capital à 125,000,000 fr. | |
| La Dette Consolidée, et à environ 17,550,000 fr. pour la Dette | |
| Flottante, soit, ensemble à 142,550,000 fr., permettrait, sans même avoir | |
| recours à la conversion avec réduction du taux de l'intérêt de la Dette | |
| Consolidée, de réaliser une économie importante et d'assurer le service de la | |
| Dette ainsi unifiée, à raison de 5 pour cent, par une annuité de | 7,127,500 |
| L'exécution des recettes disponibles étant de | 4,657,165 |
| Le déficit serait de | 2,470,335 |

1. L'offre des dégrèvements proposés et des revenus municipaux à laisser aux villes étant de 2,500,000 fr., on voit qu'en maintenant les impôts actuels et en continuant d'affecter au service de la dette les revenus municipaux, il serait facile de satisfaire à toutes les charges, mais cette façon de procéder, tout en nous procurant un avantage momentané, nous exposerait dans l'avenir à de sérieux inconvénients. Des charges, telles que l'impôt de capitation ou les droits à la sortie doivent amener rapidement la dépopulation du pays et la ruine de toutes les industries. Notre intérêt bien entendu nous commande l'abandon de la voie d'un tel régime. Il en est de même de l'abandon aux villes de leurs revenus naturels.

L'augmentation de la population Européenne et surtout Française, l'accroissement de valeur des propriétés, et de ce qui provient des impôts des propriétés, la Régence, nous imposent l'obligation d'instituer des Administrations municipales et de leur fournir les moyens d'établir un budget. A défaut de leurs ressources normales, les villes seraient obligées d'avoir recours aux subventions de l'Etat.

Il est donc sage de renoncer, dès maintenant, à certaines ressources, au risque de s'exposer au début à un léger déficit, mais ce déficit sera certainement couvert.

1. Par les bénéfices à réaliser sur la conversion avec réduction du taux de l'intérêt de la dette;

2. Par les plus-values des recettes, qui se chiffrent, pour les droits d'importation, seulement, en 1882, par 803,315 fr.;

3. Par les augmentations de produits qui résulteront de nos réformes. La nouvelle assiette de la capitation permettra, par exemple, de retrouver le montant du déficit actuel (proposé).

En prévoyant 2,500,000 fr., sans tenir compte du bénéfice certain de la réduction du taux de l'intérêt de la dette, les avances qu'il pourrait y avoir lieu de faire au Gouvernement Français, pour la première année, nous avons la confiance que ce maximum ne sera pas atteint et sera résolu dans les années suivantes. Dès la quatrième année, d'après nos prévisions, commenceront la période des remboursements. Dans un délai maximum de dix années, nous aurons récupéré les avances.

Les intérêts qui précèdent ont été établis avec le plus grand soin.

Nous ne sommes pas dissimulé que les revenus publics, dans un pays essentiellement agricole comme la Tunisie, pouvaient être accidentellement atteints, dans de très fortes proportions, par une année de mauvaises récoltes, comme la sécheresse en produisant parfois sur le littoral Méditerranéen, mais l'éventualité d'un des cas exceptionnels ne saurait servir de base à nos prévisions. Nous nous sommes donc basés sur la nature à confirmer des prévisions basées sur une moyenne, après déduction des années les plus fortes et les plus faibles.

Nous nous sommes gardés de faire entrer en compte les années exceptionnellement favorables; nous nous sommes également abstenus de comprendre, autrement que pour mémoire dans nos évaluations, les ressources que nous sommes en droit d'attendre, dès le début, de la perception régulière des taxes et de la mise en œuvre des richesses naturelles du pays.

Il résulte notamment des enquêtes auxquelles le Gouvernement a fait procéder que lorsque le personnel des Douanes sera complété, le produit des droits ne peut manquer de s'accroître dans de grandes proportions. D'après des études faites sur place, avec un soin extrême, par plusieurs agents supérieurs de notre Administration forestière, dont les conclusions se sont trouvées identiques, les forêts du nord de la Tunisie (chênes-liège) pourront être aménagées sans frais en dix ans. Les dépenses d'aménagement seront, en effet, couvertes par un commencement immédiat d'exploitation. Au bout de dix ans, le revenu net sera de plus de 7,000,000 fr. pour l'Etat et de plus de 17,000,000 fr. au bout de vingt ans. Les forêts du sud de la Tunisie, qui n'ont pas encore été explorées régulièrement, donneront des revenus nets à cause de la valeur moindre des essences qui les composent, mais il y aura une source de profits considérables; l'écoulement de ces dernières forêts parviendra, d'ailleurs, à peu près égale à celle des forêts du nord de la Méditerranée, soit un peu plus de 100,000 hectares. Ajoutons enfin que la valeur de la propriété, sur certains points,

notablement augmenté depuis trois ans, et il n'est pas téméraire d'espérer qu'après la réorganisation, le mouvement ascensionnel qui a déjà été signalé pour plusieurs branches des revenus publics se fera sentir pour toutes les autres.

D'ailleurs, la réorganisation financière de la Régence ne se traduira pas par une charge nouvelle pour nos Budgets, même dans le cas où l'avance que nous nous sommes engagés à faire resterait effective, parce que nous pourrions diminuer d'une somme beaucoup plus forte les dépenses de l'occupation militaire que nous pourrions épargner à l'entretien dans la Régence des troupes françaises. Aujourd'hui, la présence des troupes françaises en Tunisie est une charge pour nos Budgets, et elle s'accroît chaque année. Les dépenses militaires, en Tunisie, sont devenues énormes. La Tunisie, qui nous a été donnée par le traité de 1881, nous a coûté, depuis ce jour-là, des sommes énormes. Les dépenses militaires, en Tunisie, sont devenues énormes. La Tunisie, qui nous a été donnée par le traité de 1881, nous a coûté, depuis ce jour-là, des sommes énormes. Les dépenses militaires, en Tunisie, sont devenues énormes. La Tunisie, qui nous a été donnée par le traité de 1881, nous a coûté, depuis ce jour-là, des sommes énormes.

En compensation d'avances temporaires que l'Etat nous a faites pour l'occupation militaire, nous obtenons, en Tunisie, une somme permanente dans nos dépenses militaires d'occupation.

Aux termes de l'Article 3, le Ministre des Finances est autorisé à porter, successivement au débit d'un compte spécial à ouvrir sous le titre: "Avances à recouvrer sur la Régence de Tunis" les avances à faire au Gouvernement Tunisien dans les conditions prévues par l'Article 2.

Les remboursements à effectuer par le Gouvernement Tunisien seront portés en recettes au compte, en atténuation des avances faites.

L'ouverture d'un compte d'avances pour les opérations de cette nature a été déjà autorisée plusieurs reprises, notamment par la Loi du 14 Juin, 1883, pour les avances faites au Gouvernement Tunisien (Lois du 21 Avril, 1838, 21 Juillet, 1843, et 21 Juillet, 1844). Les conditions d'ailleurs beaucoup moins favorables et sans intérêts.

Le même procédé a été employé (Loi du 10 Décembre, 1881) pour les avances faites au Gouvernement Tunisien accordées par le Gouvernement Français à l'Emprunt Ottoman de 1855, avances qui nous ont, d'ailleurs, été remboursées depuis.

Il sera rendu compte, chaque année, au Parlement, conformément à l'Article 4, des avances faites et des remboursements effectués en principal et intérêts.

Tel est, dans son ensemble, le Projet de Loi que nous avons l'honneur de soumettre à votre approbation.

La Commission que vous avez chargée d'examiner le projet présenté par le Gouvernement au mois de Mai 1883, au sujet de l'organisation de la juridiction civile et de différents services, s'exprimait ainsi:

"Après avoir examiné chacune des questions que soulève la mise en œuvre du Protectorat Français en Tunisie, la Commission a décidé de vous faire connaître son opinion motivée sur l'ensemble d'une pareille entreprise."

Elle a conclu que l'organisation de la Tunisie, aux intérêts de la France de procéder à la réorganisation financière de la Tunisie, est une question de haute importance, et qu'elle ne saurait être traitée séparément de la question de la réorganisation financière de la Tunisie.

que, pour y parvenir, il est indispensable de transformer l'organisation financière actuelle de la Régence et le régime des Capitulations.

C'est en conformité des vues ainsi exprimées que le projet de Loi que nous vous soumettons est par les arrangements conclus avec la Régence: nous espérons que vous voudrez bien, en conséquence, nous autoriser, en votant le présent Projet de Loi, l'exécution de la Convention du 8 Juin, 1883.

Projet de Loi.

Le Président de la République Française,
Décret.

Le Projet de Loi dont la teneur suit, sera présenté à la Chambre des Députés par le Ministre des Affaires Étrangères et par le Ministre des Finances qui sont chargés d'en exposer les motifs et d'en soutenir la discussion.

* Rapport fait au nom de la Commission chargée d'examiner le Projet de Loi relatif à l'organisation de la juridiction civile et de différents services, par M. Antoine Dubost (No. 1052).

7. Augmentation de la Liste Civile de Son Altesse le Roy qui doit être portée de 720,000 fr. à 1,200,000 fr. (Article III de la Convention). Maje à la charge de certaines dépenses, ainsi qu'il sera expliqué ci-après, si

| | Fr. | fr. |
|---|------------------|------------------|
| 2. Augmentation de la Liste Civile de Son Altesse le Duc qui doit être portée de 720,000 fr. à 1,200,000 fr. (Article III de la Convention). Mais à la charge de certaines dépenses, ainsi qu'il sera expliqué ci-après, ci | 480 000 | |
| Total à ajouter.. | <u>9,260 000</u> | |
| A déduire | | |
| 1. Trésorerie | | 72 000 |
| 2. | | 100 000 |
| 3. | | 1 250 000 |
| | | <u>2,072 000</u> |
| Reste à ajouter .. | | 7,188 000 |
| Total des dépenses .. | | <u>7,188 000</u> |

2. DÉPENSES

| | Capital | Intérêts et Amortissement |
|---|-------------|------------------------------|
| | Fr | Fr |
| La Dette Communale consiste en 250.000 obligations de 500 fr. rapportant à pour cent d'intérêt, remises en 1870 aux créanciers de la commune, en vertu de l'arrangement de 1870. Elle comporte un intérêt annuel de | 125,000,000 | 6,250,000 |
| La Dette Flottante se compose de divers éléments— | | |
| 1. Coupons arriérés au moment de l'arrangement de 1870 restant encore à payer pour | 21,215,915 | |
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(No. 78 - Confidential)

My Lord,

Tangier, August 2, 1885.

WITH reference to my despatch No. 72 of the 27th July, I have the honour to inform your Lordship that in an interview I had with Cid Muhammed Bargash this afternoon, he informed me that he had, on the previous day, received the visit of the Italian Admiral, accompanied by his staff and by the Italian Minister, Signor Scovasso.

Cid Mohammed Bargash told me confidentially that the subject of the demands put forward by Signor Scovasse was introduced, and that the explanations he offered were not favourably received, and that, when he observed that the claims of subjects of other foreign nations, such as those of Great Britain, had not been paid, Signor Scovasse interrupted him with the assertion that the French claims had been paid, and that, as regards British claims, he knew that the statement that they had not been settled was a mere fiction.

Old Mohammed Bargash further informed me that Signor Scavassa spoke in menacing language of what would happen if his demands were not acceded to before the expiration of the twenty days, giving him to understand that hostile measures would be resorted to by the Italian squadron.

Cid Mohammed Bargach added that he did not think he could possibly receive the Sultan's answer within the appointed term, as His Majesty is engaged in chastising a rebel tribe in a disturbed part of the country between Morocco and Rabat, and that he

Cid Mohammed (Ighargh) could not assume the responsibility of acceding to the Italian demands without the Sultan's orders.

This state of things is undoubtedly serious, for, though I cannot believe that the Italian squadron will proceed to acts of hostility, when no real Italian interests are engaged, I fear the character of Signor Scavone offers no guarantee that violent measures may not be resorted to, for he is rash and headstrong, and may fancy that, if he fails in compelling the Moorish Government to yield to his demands the prestige of Italy, and his own prestige, of which he is extremely jealous, may suffer.

Signor Scorsano, on a former occasion, brought on a temporary rupture of relations between the Italian and Moorish Governments, by striking his flag on no other grounds than the arrest of a Moorish subject not under Italian protection, a relative and partner of a native of this country, who had obtained Italian naturalization.

I think it probable, however, that Signor Scovano, relying on the well-known timidity of 'Old Mohammed Bargash,' may have attempted to frighten him into submission by threatening measures, which he will hardly venture to put into execution.

(Signed) HORACE P. WHITE

No. 74

East Greenville to Mr. Fraser.

(No. 167)

Ec. cogn. Office, August 10, 1883

ON the 3rd instant the Italian Ambassador was good enough to communicate to me a copy of a Memorandum dated 10th 1883, from the Italian Legation in Tunis of the French Ambassador at Rome, in which the Italian Government referring to the establishment in Tunis by virtue of the Law of the 24th March last and the Beylical Decree of the 5th May, of the French Tribunal in that Regency, and setting forth the conditions under which the Italian Government would be prepared to recommend to the Italian Chamber the suspension of the foreign Consular jurisdiction in Tunis, such as has heretofore existed under the Capitulations and existing Treaties, proposed that the Italian Government should be prepared to accept the same.

I thanked Count Nigra for the communication of this paper, which I assumed His Excellency should be carefully considered by Her Majesty's Government. I explained to him that the present inclination of Her Majesty's Government was not to go too much into details as regards the new order of things, but to reserve questions as they might arise to be decided according to the general formula which they had adopted.

Count Nigra said that he admitted that the plan thus laid down by Her Majesty's Government had its advantages but it also had its disadvantages. It was a

* See despatches No. 57 of December 22, and No. 58 of December 27, 1869.

convenient for the present, but it might be more advantageous, as regarded the future, to come to an arrangement on certain matters of detail.

I am, &c.
(Signed) GRANVILLE.

No. 75.

Earl Granville to Mr. Fraser.

(No. 158.)

Sir,

Foreign Office, August 10, 1883.

I TRANSMIT to you herewith copies of two despatches from Mr. White, who is now in charge of Her Majesty's Legation at Tangier, reporting the arrival of certain vessels of the Italian navy in that port, in support, as it is presumed, of demands which have been made upon the Moorish Government by the Italian Minister, for the settlement of certain outstanding claims of Italian subjects and of natives under Italian protection, to which it appears, has been added the further demand for the dismissal of the Governor of Kerbat, who is stated to have held that office for many years, and to bear a high character.

I have to request that you will inquire, unofficially, of the Minister for Foreign Affairs whether the presence of the Italian ships of war off Tangier, and the demand which, it appears, has been made by M. Scovasso, are indicative of any intention to proceed to hostilities in certain events.

I am, &c.
(Signed) GRANVILLE.

No. 76.

Earl Granville to Count Nigra.

M l'Ambassadeur,

Foreign Office, August 13, 1883.

ON a late occasion you made the inquiry, personally, as to what were the views of Her Majesty's Government on a recent Spanish Circular respecting the construction of Article XII of the Madrid Convention of the 3rd July, 1880, respecting right of protection in Morocco.

I have the honour to state that the Circular in question has not been communicated to this Department.

I have, &c.
(Signed) GRANVILLE.

No. 77.

Mr. Reade to Earl Granville.—(Received August 15.)

(No. 10.)

My Lord,

Tunis, August 6, 1883.

CONFORMABLY with my telegram No. 10 of this day, I have the honour to transmit a copy of a paper which the English Representatives on the Board of Control of the International Finance Commission at this place have requested that I should submit to the consideration of your Lordship. A similar document has reached my Italian colleague from the Representatives of his country on the same Board, and has been forwarded by him to the Foreign Office at Rome.

The presenters of this paper refer to the conditions under which the Finance Commission was originally constituted, and ask whether the negotiations which are being conducted at Paris for its abolition are not, under the circumstances, incompatible with the fundamental engagements.

I have, &c.
(Signed) THOS. F. READE.

Inclosure in No. 77.

Paper regarding Constitution of International Finance Commission of Tunis.

LA dette Tunisienne n'a pas été formée comme celle d'autres États, par une émission de rentes pour une valeur nominale, à laquelle les souscripteurs adhérant volontairement, il en résulte pour l'État qui l'émet, la faculté d'éteindre cette dette, soit en la remboursant à la valeur nominale, soit au moyen d'une conversion.

On doit observer, pour ce qui concerne la dette du Gouvernement Tunisien, qu'en 1869 ce Gouvernement avait une forte somme de dettes à payer provenant d'argent emprunté à intérêts, de fournitures de marchandises et émoluments d'employés, auxquelles il se trouvait dans l'impossibilité de faire face. D'accord avec l'Angleterre, la France, et l'Italie, il s'établit la formation d'une Commission Financière dans laquelle d'un côté les créanciers devaient être représentés par un Comité de Contrôle élu par eux, et, d'un autre côté, le Gouvernement par un Comité Exécutif.

Cette Commission, par Contrat du 23 Mars, 1870, unifiant toutes les dettes de la Tunisie, a émis une somme de 125,000,000 fr., portant de 4 à 6 pour cent l'an, et qui sera payée par le Gouvernement Tunisien affectant pour le service de la dette.

Le Comité de Contrôle, pour arriver au résultat prescrit par le contrat, dût recourir à tous les moyens possibles pour payer au moyen de diverses ressources. Les dépenses de la nation ont été pourvues au moyen de divers impôts, et pour la dette de compensation, il fut stipulé dans le contrat, que la dette nouvelle serait amortissable par le rachat de ses propres titres—clause qui faisait espérer aux porteurs de voir, tôt ou tard, le prix du titre supérieur à la valeur nominale, et obtenir ainsi une compensation aux réductions imposées par l'unification.

De fait, dans le susdit contrat, il n'a jamais été fait mention de remboursement, mais toujours de rachat. Ainsi, au septième paragraphe :—

“Les obligations qui seront émises par suite de la présente opération, jouiront à leur rachat intégral de tous privilèges d'antériorité, &c.”

Au treizième paragraphe :—

“Le présent arrangement, et les stipulations qui en découlent, sont consentis au profit de tous les créanciers actuels, moyennant la cession faite par son Altesse le Bey spontanément, librement, et dans le plein exercice de ses pouvoirs souverains, à tous ses créanciers, solidairement et indivisiblement, des revenus ci-après désignés, dont le produit sera intégralement employé par les soins du Conseil d'Administration, sous les restrictions énoncées plus loin, au service soit des intérêts, soit du rachat, soit des frais d'administration de toute nature, et jusqu'à extinction complète de la dette, qui sera liquidée et arrêtée par la Commission Financière.”

Au vingt-septième paragraphe :—

“Si le produit des revenus concédés s'élève à une somme supérieure à 6,500,000 fr., sans dépasser toutefois 8,000,000 fr., l'excédent sera employé à l'amortissement de la dette par la voie du rachat au cours du jour.”

Il existe même sur les titres de la Dette Tunisienne la mention que l'extinction aura lieu par voie du rachat.

On demande si le Contrat du 23 Mars peut être légalement exécuté sans le consentement des créanciers, représentés par leur Comité de Contrôle, et si le Gouvernement Tunisien, ou qui que ce soit, puisse payer la dette sans le consentement des porteurs, ou si les titres à leur valeur nominale, ou doit en faire le rachat au cours du jour, sans l'assentiment des détenteurs.

On demande aussi si le Contrat du 23 Mars ne s'applique qu'à la dette des 125,000,000 fr., et celle des intérêts de cette dette, et si le Gouvernement Tunisien peut en faire autre chose, ou si le Contrat du 23 Mars s'applique à toutes les dettes du Gouvernement Tunisien, et si le Gouvernement Tunisien peut en faire autre chose, ou si le Contrat du 23 Mars s'applique à toutes les dettes du Gouvernement Tunisien, et si le Gouvernement Tunisien peut en faire autre chose.

On demande aussi si le Contrat du 23 Mars ne s'applique qu'à la dette des 125,000,000 fr., et celle des intérêts de cette dette, et si le Gouvernement Tunisien peut en faire autre chose, ou si le Contrat du 23 Mars s'applique à toutes les dettes du Gouvernement Tunisien, et si le Gouvernement Tunisien peut en faire autre chose.

“Art. 9. Le Comité Exécutif percevra tous les revenus de l'État sans exception, et ne pourra émettre aucun bon de Trésor ou valeur quelconque, sans l'assentiment du Comité, dûment autorisé par le Comité de Contrôle, et si le Gouvernement Tunisien, ou qui que ce soit, ne veut pas, à l'avenir, contracter un emprunt, il ne pourra le faire sans l'approbation préalable des deux Comités.”

Art. 11 Le Comité de Contrôle connaîtra de toutes les opérations du Comité Exécutif, il sera chargé de le vérifier et de les approuver s'il y a lieu. Son approbation sera nécessaire pour donner un caractère exécutoire aux mesures d'intérêt général arrêtées par le Comité Exécutif.

N'en résulte-t-il pas que le Gouvernement Tunisien ne pourrait légalement contracter un nouvel emprunt sans le consentement de la Commission Financière?

No. 75.

Count Nigra to Earl Granville.—(Received August 15.)

(Translation.)

My Lord,

35, Queen's Gate, London, August 14, 1883.

THE Royal Government has received from the Italian Comptroller at Tunis a Memoir, setting forth various questions respecting the Public Debt of Tunis, in view of the new financial régime which France, it would seem, intends to establish in that country.

On the supposition that your Lordship may have received a similar document from the English Comptroller at Tunis, I have the honour, in pursuance of instructions from my Government, to ask that your Lordship would be so good as to impart to it the views of Her Britannic Majesty's Government upon this subject.

Thanking you beforehand, I have, &c.

(Signed) NIGRA.

No. 79.

Mr. White to Earl Granville.—(Received August 15.)

(Telegraphic.)

Tangier, August 14, 1883.

WITH reference to my despatch No. 73, reply of Sultan to Italian demand not yet received. Twenty days have expired. Italian Minister claims from Moorish Government expenses of Italian squadron from Tangier. Moorish Minister promises justice, but will not yield to demands without instructions from Sultan until force is threatened.

No. 80.

Pro-memorandum communicated to Earl Granville by Count Nigra, August 16.

DEPUIS deux ans passés, questions sont pendantes entre l'Italie et le Maroc. Il a été impossible jusqu'ici au Gouvernement Italien, malgré la modération de ses demandes et son esprit de conciliation, d'obtenir une solution. Le Ministre d'Italie à Tanger vient de résumer les réclamations de l'Italie et il demande au Gouvernement du Maroc d'y faire droit. Le Gouvernement Marocain semble ne rien vouloir faire. Il sera important pour le Maroc de se soustraire à ces obligations envers l'Italie. Il serait important aussi de voir des complications, que le Gouvernement de Sa Majesté Britannique voudrait éviter. Le représentant à Tanger des instructions pour l'enquête des dépenses du Gouvernement Marocain et à le convaincre qu'il ne doit pas se laisser entraîner à la justice et de la conscience. Le représentant des dépenses du Gouvernement Italien a une à faire. Il y a cette circonstance que les deux sont mal connus du Gouvernement Anglais.

London, le 16 Août, 1883.

No. 81.

Earl Granville to Mr. Fraser.

(No. 197.)

Sir,

Foreign Office, August 16, 1883.

THE Italian Ambassador called upon me to-day and made the following statement—

No. 80.

Earl Granville to Mr. White.

(No. 88.)

Sir,

Foreign Office, August 16, 1883.

I ENCLOSE, for your information, a copy of a letter from the agents of the Moss and North Africa Trading Company,* reporting that certain goods landed at Es-Sheesh (Moorish) territory had, on or about the 27th June last, been carried off by sundry tribes, and everything carried off.

You will observe that the letter states that "this has been done by order of the Emperor of Morocco," and further on, "that the Emperor was a party to the occurrences cannot be doubted, the Sultan's troops were within a quarter of a mile from the spot, and the officer in command threw all our employees, Moorish subjects, into prison, and had them severely beaten and ill-treated."

I have to request that you will furnish me with a report on this matter, and especially as to the correctness of the assertions of the Company's agents as regard to the complicity of the Sultan in the alleged plunder of the Company's property, and the treatment of their servants by the officer in command of his troops.

I am, &c.

(Signed) GRANVILLE.

That for two years past various questions have been pending between the Italian and Moorish Governments, and that, notwithstanding the moderation of her demands and the conciliation which she had shown, Italy had been hitherto unable to obtain a settlement.

The Italian Minister at Tangier had just renewed the demands of Italy, and had called upon the Moorish Government to comply with them.

Count Nigra observed that the Moorish Government appeared to cherish the illusion that they would be supported by the British Representative at Tangier in evading their obligations towards Italy, and it was important, in order to prevent complications, that Her Majesty's Government should instruct their Representative at Tangier to remove all misconception from the mind of the Moorish Government, and to convince them that their only duty was to be animated by a sense of justice and uprightness in those matters which concerned their true interests.

Under these circumstances, the Italian Government gladly appealed to the friendly sentiments of that of Her Majesty.

I inquired of Count Nigra whether he could state what was the actual position of affairs. Some apprehension had been felt in this country and elsewhere in regard to some possible precipitate action on the part of Italy.

M. de Nigra said that he was unable to give me any details, as the information which he had received had come by telegraph; but he could take upon himself to assure me that there was no intention to precipitate any measures. He observed that the request which he had just made was to a certain extent a proof of this statement.

I told M. de Nigra that, with my imperfect knowledge of the demands of his Government, I could not promise support of the Italian claims, but that I was quite sure that the action of our Representative at Tangier would be the very reverse of encouraging the Government of Morocco in taking any ill-timed action which would complicate matters between the two countries, and that I would communicate with our Representative on the subject.

I am, &c.
(Signed) GRANVILLE.

No. 82.

Sir J. Parncefote to Messrs. McNaught, Pearce, and Middleton.

Gentlemen,

Foreign Office, August 10, 1883

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 4th instant, reporting the circumstances attending the plunder by certain tribes in the month of June last, of goods belonging to the Sûs and North African Trading Company at Ecksheesh, on Moorish territory; and I am to inform you that Lord Granville has requested Her Majesty's Minister at Tangier to furnish him with a Report on this subject.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 83.

Mr. Reade to Earl Granville.—(Received August 17.)

(No. 42.)

My Lord,

Tunis, August 11, 1883

WITH reference to my despatches No. 30 of the 11th June and No. 30 of the 1st instant, on the subject of General Sid Hamuda Ben Ayad's claims against the Tunisian Government, I have the honour to report that that gentleman proceeds to England this day on business connected with those claims. I mention this in case he may be required to furnish any further particulars to your Lordship's Office. Any communication addressed to him to the care of Mr. A. M. Broadley, Wanderers' Club, would be duly delivered to him.

I have, &c.
(Signed) THOS. F. READE.

Measrs. McNaught, Pearse, and Middleton to Earl Granville.— (Received August 17.)

My Lord,
 WE take the liberty of addressing you on the subject of our letter dated the 4th August, and pray your Lordship will be so good as to direct that our petition expressed therein be attended to with as little delay as possible. Mr McNaught of our house is now in Tangier, and we urgently beg your Lordship to forward instructions to Her Majesty's Embassy there to render every assistance in his power of putting our claim before the Emperor of Morocco.

My Lord, any assistance given to our Representative in the manner indicated will be most thankfully acknowledged.

(Signed) **MENNAUGHT, PEARSE, AND MIDDLETON,**
Agents to the Siam and North African Trading Company (Limited)

Inclosure in No. 84.

Extract from "Le Réveil du Maroc" of August 8, 1883.

DÉCIDÉMENT le Maroc et son Gouvernement deviennent tous les jours un foyer de plus en plus grand où vont converger des complications de toutes sortes. Les sortis d'une affaire que les voilà enchevêtrés dans une autre, les fonctionnaires haut placés auxquels, au lieu de leur donner des facilités, on leur crée des difficultés en les trahissant et en les trahissant à leur tour, le système déplorable de l'administration ou plutôt l'absence de tout système, la déloyauté déplorable de l'administration ou plutôt l'absence de tout système, la déloyauté

C'est là, en effet, qu'on a vu la difficulté des réclamations Françaises, et nous voyons, au sujet de la question Américaine, inutilement ajournée et que le Gouvernement se voit obligé de résoudre au gré du demandeur, toujours parce que ses fonctionnaires ne s'en sentent pas de manquer à leurs devoirs.

Après la fameuse affaire de Santa Cruz de Mar Pequena, que l'on veut bien ne pas oublier, mais que Dieu sait quand et comment, à ces réclamations s'ajoute une autre qui vient tomber, celle-là, comme la foudre, la demande de l'Italie toujours soulevée par le manque de probité chez les fonctionnaires.

Ne parlons pas des affaires secondaires qui sont en cours, mais qui, grâce à la Compagnie Anglaise, nous sont revenues. Les magasins et dépôts de marchandises ont été pillés et le Sultan a été fermement résolu à réclamer, auprès de qui de droit, indemnisation. Les pertes s'élèvent à un minimum de 10,000. D'après des renseignements précis que nous avons reçus, il résulte que lorsque l'Envoyé du Sultan avait invité Mr. Curtis, l'agent de la Compagnie, à l'accompagner au Maroc, pour avoir une entrevue avec le Sultan, Mr. Curtis fait observer qu'il ne pouvait laisser les entrepôts seuls entre les mains des Arabes, et cela n'a été que sur l'assurance donnée par le bonnate Arabe que tout sera en sécurité. Ce qui est arrivé a été déplorable.

On nous assure également que, pendant le pillage, il y avait, postée à 100 pas de la station, une force armée de 500 hommes environ, troupes du Sultan, qui prirent le cours du butin. La supposition est d'autant plus vraisemblable qu'on ne peut s'expliquer jusqu'à quel point le Sultan a le moyen de s'assurer de la vérité. Dans l'hypothèse que cet exploit soit dû à la garnison du Sultan, le devoir incombait de rendre responsables les autorités qui ont autorisé de si loquaces trangers à apporter les faits au lieu sur le territoire du Sultan qui, d'ailleurs, s'est tenu en garde. Au moment que Sa Majesté voit le pouvoir exécutif de la République de l'empire, il n'a pas à se préoccuper de la station, il n'a pas à se préoccuper de la possession de la station, 1,500 hommes près de la station, il n'a pas à se préoccuper de la possession de la station, 1,500 hommes près de la station, surtout après la prise en compte par son Excellence l'Excellence. Sa Majesté, ces territoires échappent à la main du Sultan, et il n'y a pas de responsabilité en permettant à son Agent de donner à l'Agent la station qui n'y avait rien à craindre pour son entrepôt, et en envoyant après une expédition qui a pillé les mêmes biens. De tout ceci il n'y a qu'une seule conclusion à tirer, à savoir, que la

Compagnie anglaise a été attirée dans un guet-apens. Tendu par qui? Nous l'ignorons. Qui en est responsable? C'est à vérifier. Sur qui les complications? Sur le Sultan. Qui en est la cause? Deux fonctionnaires, l'Envoyé Extraordinaire et le Commandant des troupes stationnées à Erksheesh, dont l'un avait agi dans le sens contraire à l'engagement pris par l'autre.

No. 25.

General Hamida Ben Ayad to Earl Granville,—(Received August 17.)

My Lord,

*Ling's Hotel, 4, Suffolk Street, Pall Mall,
August 17, 1883.*

I HAVE the honour to forward to your Lordship two letters addressed to the Foreign Office by Her Majesty's Agent and Consul-General at Tunis. At the same time I venture to draw your Lordship's attention to a brief summary of certain facts which will explain the object of my visit to London, and the circumstances under which I ask the assistance of Her Majesty's Government.

Your Lordship is probably aware that I am one of the largest landed proprietors in the Regency of Tunis, and the representative of an ancient Arab family who, for centuries exercised sovereign power over the land of Jerba in that country.

For nearly forty years my father myself and other members of my family have

The post was originally granted to us through the good offices and at the suggestion of the late Lord Charendon, and it was again officially recognized during the last year, as enjoying British protection. Our status, as enjoying British protection, was also formally recognized during a long series of years by the Turkish Government.

It was taken upon the French Government going to the Regency of Tunis.

During the reign of the late Bey and his predecessor I held successively various offices of trust in their service, and, after filling the post of Governor of the French provinces of Egypt and Syria, I was appointed Governor of the Egyptian provinces of the Nile and the Red Sea, and, after having held the post of Governor of the

During the past twenty years I had business relations of various kinds with the Political Government, which unfortunately resulted in my being a creditor of the State for a long period. These relations were brought by me. They originated in a personal request of the Sovereign at a time when my patriotic feelings were anxious to assist him in saving my fellow-citizens from the consequences of a famine. Through the efforts of the Government, I was able to secure a loan of 1,000,000 francs for the purpose of purchasing grain for the relief of the famine-stricken population.

Through the efforts of the present British Agent and his predecessors I have recently succeeded in obtaining a liquidation of my claims, when the country has been returned to a French Protectorate, which placed the Government of the country in the hands of the French Minister Resident.

It soon, I regret to say, became apparent that the fact of my being entitled to the
privilege of British protection could neither be forgotten nor forgiven.
I need not enter into the details of this matter, but

I need not enter into the details of the various obstructions which were industriously contrived to the adjustment of my claims, nine-tenths of which are admitted to be truthfully exposed in a Memorial drawn up in the face of law, by one of my legal advisers.

To this Memorial the Tunisian Government and the French Minister of Tunisian Foreign Affairs alike abstain from answering.

But this is not all. Other plants addressed by me to the British Representative at Tunis will have informed your Lordship of further views to be taken in this respect. It is also stated in the other letters that I have been prevented by the possession of a passport issued by the French Resident, had placed guards pending the decision of a claim put forward to the land by a Frenchman.

In similar cases, differences such as mine have been over and over again referred to arbitration.

It is evident that in a letter which the Government's party no doubt of on is possible

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ALL WITHOUT PERMISSION OF THE
IC RECORD OFFICE, LONDON

Many precedents exist for this course being adopted, but the French Resident refuses to treat me as others have been treated.

The abolition of the Capitulations would place me entirely at the mercy of those who have with so much determination opposed any settlement of my demands.

The abolition of the Capitulations, as far as I am concerned, means my absolute and complete ruin.

I ask, therefore, that Her Majesty's Government will support my prayer that my long-pending case be referred to arbitration.

My own conviction of the justice of my claims makes me comparatively indifferent to the details of the Arbitral Commission, provided it be of an international character.

I am now in London with the object of giving personally any explanation as to my claims and position which may be desired.

I trust, therefore, that (if considered necessary) an opportunity may be afforded me of offering verbally further explanations as to the various Petitions which have been addressed to your Lordship by the request for the good offices of Her Majesty's Government to obtain the settlement of my claims against the Tunisian Government by way of arbitration.

Signature of General Hamida Ben Ayad.)

X 186

Mr. Roade to Earl Granville.—(Received August 17.)

(No. 41)

My Lord,

Tunis, August 7, 1882

I HAVE the honour to place before your Lordship a Petition which Mr. M. Pisani, the British Pro-Consul, and some 200 other members of the Maltese community at this place have thought proper to address to me, for the declared purpose of repudiating all connection with the protest that was recorded, about a month ago, in a document of the same kind, by the wife of Giovanni Mangano and a number of sympathizers against the arbitrary proceedings of the French authorities, as manifested on a variety of occasions, but more particularly on that which had taken place when Mangano was arrested and carried off to the French authorities.

A copy of the Petition, signed by Mr. M. Pisani and two others, accompanies the Petition, and explains the feelings of the Maltese community.

It is my lot with a heavy heart to regret that I submit these papers to your consideration, as, apart from other considerations, the duty has devolved upon me of calling especial attention to the fact that the party chiefly responsible for the protest in connection with the Petition is, by his own admission, the before-mentioned private officer of Her Majesty's Consulate.

I beg to enclose also a copy of my reply to the above communications, and to subjoin some further observations regarding them.

Mr. M. Pisani and some of the leading petitioners being connected with the French by business transactions, there is reason to suppose that their action, in this instance, has been influenced by motives of a personal character rather than by any consideration for the interests of the people in general. In support of this view, I may mention that Mr. M. Pisani is the bank manager and agent of the French Consulate, whose extensive influence in the Maltese community, and in the erection of churches and other public buildings, has been on a scale which has excited the astonishment of the whole population; and as, owing to the absorbing nature of his own business, his attendance at the Consulate for the last two years may be said to have altogether ceased, he is probably ignorant of much that passes in the official world. His appearance at the Consulate, and his document of protest, are, therefore, of a personal character, and if not acquiesced in by Her Majesty's Government, may tend to seriously compromise the position I am bound as the guardian of British interests to maintain in my official opinion, impartially and impartially.

Of the other signers of the supplementary letter, very little need be said further than that, like the rest of the petitioners, they follow the lead of their more intelligent and influential compatriot, the Pro-Consul. The part taken by Mr. Tabone is, it is true somewhat remarkable, as I have on more than one occasion defended him in all treatment on the part of French officials; and there is in my possession a letter in which notice is officially communicated that if, within a term of one month, he (Mr. Tabone)

did not throw down or demolish a building he had constructed on some ground belonging to him in this city, the executive agents of the Municipality would proceed to do it for him of their own accord, and without reference to any other authority. The threatened violation was not carried into effect, but I suppose it is, nevertheless, with a view to escape further molestation of the same kind, that this gentleman is inclined to throw in his lot with the invaders and occupiers of the Regency. Mr. Giovanni Maria Pisani, although a man of bad faith, and a defaulter in respect of some Tunisian bonds upon which he lately incurred losses, which he has not thought proper to make good, has extensive contract operations with the French troops, and, with a person of his stamp, the consideration of personal interests must naturally weigh far more than any regard for the welfare of the public in general.

Regarding the other signatures to the Petition, there are probably not half a-dozen that answer the description given of them in the supplementary letter as being the signatures of "merchants, landed proprietors, and house-owners." Among these are three brothers of the M. Pisani family, who, as holders of the tobacco monopoly, are, perhaps, more deeply engaged with the French than all the other petitioners, and dare not probably withhold their names from a document so evidently intended to secure the favourable consideration of the ruling authorities. The remaining signatures are, for the most part, those of petty traders, brokers, and shop-keepers, hucksters and peddlers, and drivers, waiters at cafes, clerks, messengers, and bankrupt commercial men. Many of them say they did not know what they were signing; others insist that their intention was merely to declare they had nothing whatever to do with Mrs. Mangano's protest; and some, whose names are written in the margin,* have requested at this (the) to have their names removed from the Petition. Two had already struck their names out before the Petition left Mr. M. Pisani's hands. I am, moreover, assured that, notwithstanding the signatures are pronounced to be genuine, many of the parties they represent are known to be illiterate. In order, however, that some idea may be formed as to the value or business-like appearance of the signatures, I have felt it my duty to transmit the Petition to your Lordship's Office in original.

With regard to the subject-matter of the Petition itself, I am, as I have said, needless comment, and shall confine myself, as far as possible, to the declaration of my statement as I believe to be inaccurate or unfounded. One of these statements being to the effect that the abolition of the Consular jurisdiction would be regarded with favour by the general body of Maltese, I must beg to meet it with a distinct and formal refutation. If, on the other hand, it were necessary to support the opposite view with signatures from the Maltese colony, I have no doubt that such signatures could, without much difficulty, be procured.

The institution of French Tribunals is not altogether so popular with the Maltese as the writers of the Petition have assumed may, I think, be inferred also from a Petition, dated the 11th ultimo, which I have received from the British Vice-Consul at Sfax, and which I have the honour to enclose.

On another point I feel it is incumbent on me to offer a few remarks. It is with regard to the state of insecurity to which, owing to a defective police organization, we were, some months ago, subjected.

After drawing a gloomy picture of the circumstances which then existed, but which have since happily terminated, the authors of the supplementary letter do not hesitate to let the French Representatives responsible for the evils they denounce. A more serious and unfounded charge was never made as to the conduct of the French authorities, so instructed, the French gendarmes, I do not say any more, it is the duty of the native police to discharge all the duties that may be required of them.

Having submitted my views with regard to the subject in question (No. 26 of the 31st May 1882), I have nothing to add to what I then stated.

Much could be said in opposition to the allusion which is made to the projected transfer of the Financial Department of this Government to French administrators. Your Lordship is, however, aware of the satisfactory manner in which the functions of the International Commission have been discharged, and I therefore refrain from returning again to the subject.

It is unnecessary, my Lord, I should dwell upon the painful effect which the present Petition has created in my mind. Drawn up and circulated by an officer in connection with the Consulate dates from thirty years ago, it has shaken my faith in those upon whom I had felt I could place the fullest reliance. The part taken by that officer's fellow-petitioners is, also, not a little discouraging to one who, at times of

* Pietro Dermanin, F. Ghirlanda, P. Sant, G. Depetola, Antonio Altari, G. Falcon, Giorgio Belladonna, M. Zappala.

more than ordinary diligence, has exerted himself to the best of his ability in the protection and betterment of the nation.

I know not whether to give in your Lordship's pleasure, but any further notice should be taken of the above proceedings. It has appeared to me, however, that, provided the suggestion be found practicable, an opportunity will be afforded of ascertaining the sentiments of a truly patriotic and independent class of the community, and of ascertaining the change of jurisdiction suggested with respect to the jurisdiction of the judges of the inferior courts, and to the jurisdiction of the judges of the superior courts. I have no doubt that the suggestion will be found to be of great importance, and that it will be found to be of great importance to the public interest. I have no doubt that the suggestion will be found to be of great importance to the public interest. I have no doubt that the suggestion will be found to be of great importance to the public interest.

Flare, &
(Simon) FLOS E R VDE

1988, 1989) and the other two (1990, 1991) have been published in German. The first two books are devoted to the first two years of life, the last two to the last two years of life.

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The above information is being furnished to you for your information only. It is not intended to constitute an offer of insurance or any other financial product. Please consult your insurance agent for more information.

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Tout le monde est en accord sur ce point : il faut que nous nous
 appuyions sur la presse et sur la radio, et nous nous sommes
 mis à l'œuvre.

Journal of the American Statistical Association, 1994, 89, 1161-1173

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Sir,

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It is signed by 202 British scientists, 10 of whom are academics, leading in their fields, and the researchers have a combined 100 years' experience in the country for the last twenty years and thirty years in the science.

We can assure you that the substance is genuine and of the persons of whom they purport to be.

Many of the signatures as well as many of the names and initials, must be well known to Her Majesty's Coast Guard.

It is our intention not to protest it for the present, but we are required to bring it

you to transmit it to Her Majesty's Principal Secretary of State for Foreign Affairs for his kind consideration.

Our chief address is to establish that we are no parties to the Petition sent to you on the 26th inst., and published in the 'Morning Post' as emanating from the British colony.

We consider this document as a direct attack against the proceedings of the French authorities. Our primary interest is to enlighten and to irritate them by general statements, the veracity of which is anything but satisfactory, and which we cannot treat as a court of law. But our Government is strong and powerful as it is, and respected over all the globe, and not obtain for us reparation when that reparation was legitimately due.

Our Petitioners steadfastly worked and intended to give offense to no one, nor to arouse the susceptibilities of any.

In speaking of the subject of abrogation of the different Consular Ordinances, we have left it to the wisdom of our Government to conform to the wishes of the French Government or not, but we still remain firm on the subject of the same. The same may be said for the other nations. The United States have laws that the foreign colonies have so long ignored. Interference must precede any law that the foreign colonies have so long ignored. Interference must precede any law that the foreign colonies have so long ignored. Interference must precede any law that the foreign colonies have so long ignored.

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with $\lambda_1 = 1$ and $\lambda_2 = 0$. The matrix A is the identity matrix I_2 and the vector b is the zero vector 0 . The system of equations is $x_1 = 1$ and $x_2 = 0$. The solution set is $\{(1, 0)\}$.

made available to the public. If the bill is not passed, the Government will have to put to a vote the 24 billion francs requested for the 1964-65 fiscal year. We will expect the bill to be passed for

[illegible]

Frederick was one of the first to recognize the value of the Belarusian as a national before the war. For a long time, he was one of the few who saw the value of the Belarusian. Our nation is they were the first to see the value of the Belarusian as a national before the war.

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But what we mean is that the Criminal jurisdiction has no more *raison d'être* we have ourselves to do, open our eyes to the inevitable and strenuous

exertions of both you and your predecessors for the protection and safeguard of our interests. We must not forget that you have been day and night occupied with our affairs. You have fought our battles. You were always ready and at any time to receive our complaints, and to attend to and settle our affairs, no matter how inconvenient that might have been to you or to your family.

All this we fully and emphatically recognize, and we cannot find expressions strong enough to convey to you our heartfelt thanks and our everlasting gratitude for the manner you have always treated us, and for the truly paternal care you took for our interests, and for everything which in any way affected us or our families; but circumstances have changed, and we are bound to go with the times to insure our future interests and those of our children, for whom Tunisia is a second country.

In forwarding the Petition to Her Majesty's Secretary for Foreign Affairs, we trust you will also send a copy of this letter.

We have, &c.
(Signed) M. PISANI
LZO. TABONE BARTOLO.
GIO. MARIA PISANI

Inclosure 3 in No. 86.

Mr. Reade to Messrs M. Pisani, Bartolo, and G. Pisani.

Gentlemen,

Tunis, August 4, 1883.

I HAVE received your Petition of the 25th ultimo and the letter which accompanied it, dated the 2nd August, and shall not fail to forward both documents to Her Majesty's Secretary of State for Foreign Affairs.

I do so from my wish or desire to do so, and not from any sense of duty or of obligation, but I can only say that I am much surprised that so much dissension should exist in the Maltese colony on a matter of such paramount importance.

Her Majesty's Government, and not I, will decide between the advocates of French action and policy and those who oppose it; and I would gladly abstain from saying anything more on the subject were it not that a passage of your letter, in which you describe the charges or allegations which form the basis of the Petition of the 19th ultimo as being of a character that cannot be substantiated, is so notoriously inaccurate and so opposed to the daily experience of this Office, that I feel I should be wanting in frankness if I allowed it to be addressed to me without some expression of dissent.

On another point, I will not conceal my disappointment. It is this—that, while I have endeavoured to ensure the claimants or holders of property in this country a serious loss by any sudden change of jurisdiction, and Her Majesty's Government apparently exerting its influence to the same end, your Petition should have the effect of undermining these efforts, by bringing British subjects immediately and unconditionally under the civil jurisdiction of the French Tribunals.

I thank you for the very friendly as well as flattering terms in which you are pleased to refer to my past services, and regret only that the encomium should be coupled with a Petition in which it is set forth that those services can very well be dispensed with.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 4 in No. 86.

M. Leonardi to Mr. Reade.

(For Sir John)

Sfax, July 11, 1883.

I HAVE the honour to report to you that the instalment of the French "Tribunal de Paix" for the conducting to the advantage of commerce, creates instead new obstacles in the course of business. This is accounted for by the following reasons—

1. The attributions of the Judge are, when considered with the exigencies of this country, too limited.

2. To this defect may be added the want of a conciliatory spirit, which, in times which have now passed, led generally to an amicable arrangement between parties, what ever the questions that were put forward.

3. Besides the above impediments or difficulties attaching to the "Tribunal de Paix" considerable expense and loss of time are suffered, without the satisfaction of seeing an end of suits which, for want of judicial authority or competency, have generally to be forwarded for settlement to Tunis.

The consequences of the present state of things and that under the late Consular jurisdiction were brought before the latter, commercial questions were generally settled by means of arbitration in a short time and without expense.

I have, &c.
(Signed) GIUS. LEONARDI.

No. 87

The Law Officers of the Crown to Earl Granville. (Received August 17)

My Lord,

Royal Courts of Justice, August 16, 1883.

WE were favoured by your Lordship's commands signified in Sir Julian Pauncefote's letter of the 25th July last, stating that he had to transmit to us, by direction of your Lordship, the enclosed in the accompanying list, which related to the case of a Maltese Br. G. G. G. Mangano, who was arrested by the French military authorities at Tunis under the circumstances detailed in Consul-General Reade's despatch No. 83 (Print, p. 1).

That it appeared that Mangano was one of a crowd of persons who had collected at the booking-office of the Italian Railway Station, and were striving for precedence in obtaining their tickets, when he came into bodily contact with a French officer, a Captain Nicolas. An altercation ensued, followed by a succession of blows from the French officer on the face of the Maltese, who was seized and rendered powerless by the French military present at the time.

That in that condition, according to the testimony of eye-witnesses, he was struck by the French Captain across the head with his drawn sword, and subsequently conveyed to the Italian Consulate.

That Mr. Reade's statement that the prisoner should be handed over to the Consul-General, Her Majesty's Consul-General, was not made by the French representative, but that it was a statement made by the Consul-General, and that the French representative, at the same time, maintained that the case of Mangano was not a question of Consular jurisdiction or Treaty rights.

That in reply to a representation which Lord Lyons was instructed to make on that subject to the French Government, the Minister for Foreign Affairs had replied, as we would see from the enclosed Lord Lyons' despatch No. 441 of the 14th July, that the attack by the French Captain on a person attached to the French army constituted an offence committed in a foreign country against a person attached to an army occupying that country, and that consequently, according to international law, the offender is subject to the jurisdiction of the military Tribunals of that army.

That the legal justification put forward by the French Government for that assumption of military jurisdiction over Mangano was supported in an article contained in the 1st volume of the "Journal du Droit International" (Nos 9 and 10 of 1882) p. 511.

That it appeared, however, to your Lordship that it might be urged that the French occupation of Tunis was effected on the express understanding that all the rights and privileges of foreigners would be respected, and that even if martial law should be held to override the territorial jurisdiction secured to foreigners in the Regency during actual hostilities or resistance to the military occupation, the season of martial law had then ceased, and its continuance was inconsistent with the establishment of the French Protectorate, and of French Tribunals, and of civil government by the French authorities.

That, if the plea advanced in the present cases be admitted, there seemed to be no reason why military jurisdiction should not prevail in numerous cases so long as the French had troops in Tunis, and, judging from the treatment received by Mangano, the question assumed considerable importance.

That Sir Julian Pauncefote was to request that we would take the papers transmitted therewith into our consideration, and that we would favour your Lordship with

our opinion on the validity in point of law of the grounds on which the French Government justified the action of their military authorities against Mangano, and with any general observations we might have to offer on the case.

We were also honoured with Sir Julian Pauncefote's communication of the 1st instant, transmitting a further despatch from Her Majesty's Agent and Consul-General in Tunis.

In obedience to your Lordship's commands we have the honour to report—

That we think it cannot be disputed as a general rule of international law that an attack on an army of occupation, even although directed against its individual members, falls properly within the cognizance of the military Tribunals of that army.

And we think this jurisdiction continues so long as an army is in occupation of a foreign country, even though actual hostilities have ceased. It seems to have been exercised, and the propriety of its exercise to have been recognized by jurists, whilst the German army was in occupation of certain parts of France pending the payment of the indemnity.

We think, too, as a general rule, that the right to deal with offences committed by the military Tribunals would apply to the case of offences committed by foreigners equally with those committed by subjects of the country occupied.

In the present case, however, the existence of the Capitulations and the undertaking by the French Government to respect them are undoubtedly important elements in the consideration of the question submitted to us.

It is open to contend that the effect of them is to exclude British subjects from the operation of the ordinary rules relating to the cognizance by military Tribunals of offences committed against members of the army of occupation. But the argument against this view, which are urged with great force in the "Journal du Droit International" appear to us very cogent, and it will probably not be necessary or expedient for the present circumstances to express any definite opinion upon the point either by way of expressing a decided but to reserve for Her Majesty's Government freedom of action in relation to it hereafter.

We are not aware what is the exact position of the French authorities in Tunis at the present time, or for what purpose their army is maintained there, and whether the occupation is intended to be permanent. If, as we gather, the French have established a Protectorate over Tunis intended to be of a permanent character, and the army is stationed there in support of the rule of law, and local Courts have been established, and a consular system by the law which may be considered to be in force, the army has ceased to be an army of occupation in a foreign country with the ordinary sense of the term, and that charges against British subjects should, under the Capitulations be dealt with in the British Consular Court.

But, apart from this, we think that where an army remains in occupation after peace and order are restored, at all events where such rights exist as are enjoyed under the Capitulations in Tunis, the military Tribunals can only properly claim cognizance of offences against a member of the army of occupation when the offence is an act of hostility to the member as such. The jurisdiction is claimed and exercised for the safety of the army, and individual assaults upon its individual members may endanger its safety as much as an organized attack. But we do think that on any sound principle the jurisdiction can be extended to the case of an offence against an individual member of the army which is not directed against him as such, and which cannot properly be regarded as an act of hostility to the army, but arises out of some private quarrel or dispute.

It seems to us that on these grounds the claim of the British Consul was well founded. Even if the French officer's statement be correct, the assault by Mangano was in no sense committed against that officer in consequence of his being a soldier, but resulted from circumstances which would equally have affected a private person. But, in fact, the outrage appears to have been a gross one on the part of the French officer, and seeing that Mangano was detained for some days in custody, and that the charges against him were found insufficient for instituting a prosecution, we think there is, independently of the considerations to which we have alluded above, a strong ground for remonstrance and for a claim that the conduct of the French officer should be investigated.

We have, &c.
(Signed) HENRY JAMES
FARRER HURSCHELL.

Earl Granville to Mr. White.

(No. 1.)

(Telegraphic.)

Foreign Office, August 17, 1883, 4 15 P.M.

ITALIAN Ambassador has read me telegram from his Government, stating that several questions have been pending between Italy and Morocco for the last two years; that Italian Government having been unable to obtain satisfaction, their Minister at Tangier has presented a summary of their demands, but that the Moorish Government seem to imagine that they can obtain support from Sir J. Drummond Hay in evading their obligations. The Italian Government ask that you may be instructed to use language calculated to dispel any such illusion. His Excellency was unable to give any details as to state of affairs, but took upon himself to assure me there was no intention to precipitate matters.

I said that with my imperfect knowledge of Italian demands I could not promise support, but that I was sure you would not encourage Moorish Government to take any attitude which would complicate matters, and that I would communicate with you.

No. 89.

Earl Granville to Mr. White.

(No. 39. Ext. 1.)

Sir.

Foreign Office, August 17, 1883.

AT an interview which I had with the Italian Ambassador on the 16th instant, his Excellency read me a telegram which he had received from his Government stating that various questions have been pending between Italy and Morocco for the last two years, that the Italian Government having been unable to obtain satisfaction, their Minister at Tangier had presented a summary of their demands, but that the Moorish Government seemed to imagine that they can obtain support from Sir J. Drummond Hay in evading their obligations.

The Italian Government request therefore that you may be instructed to use language calculated to dispel any such illusion.

Mr. de Negri was told that I was sensible to the state of affairs but took upon himself to assure me that there was no intention to precipitate matters.

I stated to his Excellency in reply that with my imperfect knowledge of the Italian demands I could not promise support, but that I was sure you would not encourage the Moorish Government to take any attitude which would complicate matters, and that I would communicate with you upon the subject.

I am, &c.
(Signed) GRANVILLE.

No. 90.

Mr. White to Earl Granville.—(Received August 19, 11 P.M.)

(Telegraphic.)

Tangier, August 19, 1883, 6 50 P.M.

I HAVE received your telegram of the 17th.

No encouragement has been given by me to the Minister for Foreign Affairs to resist Italian demands, nor do the Moorish Government hope to evade their obligations through British support.

The Moorish Minister for Foreign Affairs declared to me that he was not to these demands without instructions from Sultan, and he expressed that they are unjust, and that it would establish a dangerous precedent to yield except under compulsion.

I have been anxious to give a valuable opinion on the subject, but has my advice been asked for by the Moorish Minister for Foreign Affairs. His Excellency asked my opinion as to consequences of their rejecting the demands. I replied that having proceeded so far the Italian Government could scarcely withdraw without obtaining satisfaction; but that I could not believe that they would bombard Tangier, though they might seize one of the western ports as a material guarantee for the satisfaction of their demands.

Mr. White to Earl Granville, - (Received August 20.)

(No. 75 - Confidential)

My Lord,

Tangier, August 15, 1883.

WITH reference to my despatch No. 73 of the 2nd instant, I have the honour to acknowledge your Lordship's letter. Cid Mohammed Bargash informed me confidentially to-day that the terms of twenty days fixed by Signor Scovasso for the reply required from the Moorish Government have been having expired, Signor Scovasso addressed him on the 11th as a matter for note, stating that, unless he should receive a satisfactory reply by to-day, the Moorish Government would be required to pay the expenses of the Italian squadron in Tangier Bay from this morning.

Cid Mohammed Bargash further informed me that he yesterday sent a written reply to this note of the Italian Minister, which he communicated to me in the strictest confidence.

In this letter Cid Mohammed Bargash states that there are no just grounds for the charge brought against the Moorish Government of showing a want of consideration towards Italy, and paying less attention to Italian interests than to the interests of Great Britain, France, and other Powers, for the Moorish Government had always sought to treat Italian interests with the same consideration and attention as they are accustomed to show to those of other friendly Powers.

Cid Mohammed Bargash proceeds to observe that the charge that the claims of French and Italian subjects had been paid, whilst those of Italian subjects are still outstanding, and had been arranged for settlement in the time of the former French Minister M. de Vernouillet, and that when M. Ordega, the present Minister, was at the Moorish Court last year he brought them forward, together with a heavy claim for reparation for the incursions into Algeria of the Moorish frontier tribes, and that a general settlement of both these claims was effected for about one-third of the sum that had been demanded, and that as regards British claims, they are still pending, no settlement having yet been made, and that the Italian Government could not justify this fact by inquiring of the British Government.

With reference to the complaint that the French claims had been examined whilst the French Minister was still at the Moorish Court, whereas the Sultan had referred the examination of Italian claims to a Commission at Tangier, Cid Mohammed Bargash replied that the documents on which the French claims were based were only about 2 per cent. as compared with the Italian, the French being only twenty-five in number, whereas the Italian documents numbered several hundreds, and it would have been impossible to have examined them when Signor Scovasso was at the Moorish Court. He was then on the point of starting for his expedition into Soos; the Moorish Government then referred to Commissioners sent to Tangier expressly to examine them, and to the Italian Vice-Consul and Interpreter.

The Moorish Minister added that of the debtors some had died, some had become bankrupt, and some had fled, but that those who owned property and could pay would be compelled to do so.

As to the demand for the dismissal of the Governor of Rabat for having, as it is alleged, caused a store held by an Italian protection subject to be burnt, Cid Mohammed affirmed that it is not proved that he had done so, and the Governor denies all knowledge of the matter; and that even should the charge prove to be true, satisfaction could be given in some other manner than by the dismissal of a Governor who has served the Sultan and his predecessors faithfully at Rabat for thirty years, and who is nearly 70 years of age.

It is stated that the Governor in the interior, of having compelled at Tangier to give evidence under his jurisdiction, is also stated by Cid Mohammed Bargash to require proof, as it is denied by the Governor in question.

In conclusion the Moorish Minister rejects the demand of Signor Scovasso that the Government of the Sultan shall pay the expenses of the Italian squadron during the time it may remain at Tangier awaiting a satisfactory reply, and states that, as the Moorish Government is disposed to do what is just and right, there is no necessity for the presence of ships of war.

The answer of Cid Mohammed Bargash was delivered at the Italian Legation last night, and the Italian despatch-boat applied this afternoon at Her Majesty's Consulate for a bill of health for Gibraltar. The object of her despatch to Gibraltar is probably to

consult the Vice-Admiral, who is with other ships of the squadron at Algier, on the opposite side of the Bay of Gibraltar, or to telegraph to Rome for further instructions.

The reply of the Sultan, which is said to have been sent to the interior, has not yet been received by Cid Mohammed Bargash, and he has expressed his opinion that, without the Sultan's orders, he would not be bound to comply with the Italian representations, except under a formal declaration that force will be used, in which case he would think it his duty to submit.

I have, &c.
(Signed) HORACE P. WHITE.

No. 92

Sir J. Pouncefote to Mrs. Bosutt and others

SIR JULIAN POUNCEFOTE is directed by Earl Granville to inform Mrs. Carmela Bosutt and the other signatories of a Petition to the Queen dated the 19th July, 1883, respecting various cases of alleged miscarriage of justice in the Consular Courts of Tunis and Constantinople, that the circumstances therein set forth are not such as to warrant the interference of Her Majesty's Government in behalf of the petitioners.

The documents which accompanied the above-named Petition are accordingly returned herewith.

Foreign Office, August 2, 1883.

No. 93.

Mr. White to Earl Granville - (Received August 23.)

(No. 74)

My Lord,

Tangier, August 15, 1883.

WITH reference to Sir J. Drummond Hay's despatch No. 60 of the 10th July, I have the honour to communicate to you, Lordship, the enclosed extract from a letter I have received from Her Majesty's Consul at Mogador, containing information that there had been fighting amongst the tribes in the interior.

I have, &c.
(Signed) HORACE P. WHITE.

IN writing the above I have received from the Consul at Mogador, dated the 8th instant, reporting that a courier had arrived at Mogador from Agadir, with news that "the Spanish Commissioners, and presumably the Moorish Commissioners, had been taken to Agadir, and were now on their way inland, and that during the absence of the Moorish Commissioners, the Spanish Commissioners had been at Agadir, whence he escorted the Commissioners to his place with 150 horsemen."

H. P. W.

Enclosure No. 94.

Consul Pouncefote to Mr. White.

Mogador, August 1, 1883.

THE CONSUL POUNCEFOTE has the honour to inform you that he has been expecting to meet the Consul at Agadir, and that he has been waiting for him at the bay here left for the Canaries for goods, &c.

On the 24th July "Consuelo" sailed early in the morning with the Spanish Consul, and the Consul at Agadir, for Agadir. A courier from the port reported that a small sailing ship was anchored there, believed to be the "Sultador," Canary Island postal schooner.

It was reported here that the Spanish engineer, Don Juan de Ixion y Castillo, who went south in the "Consuelo," was commissioned by the Sultan to look out for a place where the Sultan intended to open a port; this in consequence of the fact that the Sultan intended to open a port; this in consequence of the fact that the Sultan intended to open a port; this in consequence of the fact that the Sultan intended to open a port.

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Inclosure 2 in No. 96

Mr. Ronning to Mr. Curran.

My dear Currie, 20, James Street, Buckingham Gate, August 22, 1883.
GENERAL HAMUDA BEN AYAD, a British protégé residing at Tunis, is visiting this country to solicit the support of Her Majesty's Government in his demands against the Government of the Bey for the payment of a large claim which he maintains against it.

The General is well known to me as a most honourable man, and I ask the favour of your according him your valuable aid in furtherance of the object he has in view, the particulars of which he will relate in the letter accompanying this note.

(Signed) HARVEY RANKING.

No. 07

Earl Granville to Mr. White

Foreign Office, August 27, 1940.

(No. 40)

Sir,

THE Ministry's Government have had under their consideration Sir J. Drummond Hay's letter of 18th June 1900, and the 14th, 15th, and 16th June last and their various inclosures, referring to the subject of ~~the~~ irregular protection in Morocco, especially in connection with the Regulations of the 10th March last, which had been drawn up by the foreign Representatives in concert with the Mohammed Dargish, and which it was hoped would result in the first of these two subjects being placed on a more satisfactory footing.

It appears, however, from Sir J. Drummond Hay's despatches, that those Regulations, if not the Convention itself, of the 3rd July, 1840,* have practically become a dead letter, for whilst on the one hand there appears to be no unity of action on the part of the various Regiments, on the other there appears to be no unity of action on the part of the Moorish Government, and consequently no progress has been made.

for the case of M. Lapeyre, $\mathcal{F}_\lambda = \mathcal{A}$ and $\mathcal{F}_\lambda = \mathcal{A}$ for $\lambda \geq 1$. In the case of M. Lapeyre, $\mathcal{F}_\lambda = \mathcal{A}$ for $\lambda \geq 1$ and $\mathcal{F}_\lambda = \mathcal{A}$ for $\lambda \geq 1$. In the case of M. Lapeyre, $\mathcal{F}_\lambda = \mathcal{A}$ for $\lambda \geq 1$ and $\mathcal{F}_\lambda = \mathcal{A}$ for $\lambda \geq 1$.

I have now to observe, with respect to the second ground, Sir Brumond Hay having brought this case to my attention, is the fact that M. Lapere has had the sanction of the Italian Government in connection with his business as a merchant for twenty years, and that the Regulations as to protection are, as I have already said, a matter, after, as it would appear by Sir J. Brumond Hay's despatch No. 19 of the 13th June last, I am not disposed to depart in this case from the course indicated in the second paragraph of my despatch No. 11 of the 25th March last, in which I have stated that so long as the Italian or any other Government must upon extending foreign protection beyond the limits laid down in the Madrid Convention, and are suffered to do so by the Sultan, Her Majesty's Government are not disposed to debar themselves from claiming similar benefits in all cases where the interests of British subjects may be involved.

I inclose, for convenience of reference, copies, in print, of Sir J. Drummond

* See Part IV, No. 138.

(Signed) I am, &c
GRANVILLE.

No. 92

Mr. White to Earl Grenville (Received August 27)

(No. 76. Confidential.)

My Lord,

$$F_{\text{any}} = 1 - (1 - q_1 x^2)^{10} \quad \text{test 1}$$

WILKINSON refers to my speeches No. 73 of the 2nd instant and No. 75 of the 13th inst., and to my remarks of the 1st and 11th inst. I am the more to assure you that I have no intention of making any further reply to Mr. Mohammed Bargash, but that Mr. Bargash had replied to his letter of the 1st inst. of which I communicated a copy to you on the 11th inst. No. 75 of the 13th instant. The reply was full and of an entirely different character, accusing Old Mohammed Bargash and the Moorish Government of habitually trying to defend themselves by a denial of facts, and warning him that such a system of defence will be of no avail.

Although a week has now elapsed since Signor Scovasso received the reply of the Moorish Minister to his demands, and although he has recently received a message from his Government, he has addressed no further note to Cid Molay and Ba'ash. I am therefore led to infer that the Italian Government are not desirous to press this matter.

But Mohammed Bargash informed me to-day that he had received no communication from the Sultan as yet on the subject of the Italian demands, but that he had received a letter from the Governor of Rabat, stating that, by orders of His Majesty, he was about to proceed to Tangier to offer explanations to the Italian Minister regarding the charges brought against him.

Mr. Molinari (R-R-I) went on to state that it had occurred to him that a second round of voting might be necessary. He then proposed to refer the matter to the committee and asked whether there was any objection to awarding Morocco a second round of voting.

on the part of the Moon, it follows that the Moon is not a test case, and as the Power model is a good model for the Moon, it is a good model for the

At Faroued Bargash (the Egyptian Ambassador) was seated the Chinese Representative at Tong or in trying to evade its question. Mr. Faroued Bargash remarked that he was not surprised to learn that he had himself observed from Signor Brovasso's language that he had been guided solely by my own judgment and not by any other source that was

...standing assurances to the contrary repeatedly given by Cid Mola and J. D. Hay, and myself, Signor Giacomini persists in believing that, by some understanding or arrangement between the Moorish Government and the British Legation, the claims of British subjects have been settled and kept secret from the public, hence his suspicion that British influence is at work in opposition to his

I have, &c.
Signed) HORACE P. WHITE

Sir H. Remondet & Co.

$$f_k = (1 - 4k^2) \pi \sqrt{1 - k^2}$$

No. 88. (Confidential.)

My Lord,

Stockholm, August 29, 1893.

I UNDERSTAND from Sir John Drummond Hay, who is on a visit here to his son, that he has both telegraphed and written to your Lordship respecting the strong pressure

* This is a refer only to the declaration of Col. Mohamed Bargash that the Hensch claims have not been verified. H. P. W.

{ 1415 }

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which has been brought to bear by the Italian Representative at Tangier for the settlement of the claims of the Italian subjects, mostly Jews, in Morocco.

It so happens that the Italian Minister here had spoken to me on the same subject a few days before. The Marquis Spinola expressed himself as somewhat anxious at the report of the seizure of the papers of the Italian Agent at Tangier and a bombardment threatened at that place. He asked me whether the English papers confirmed this intelligence, and he then went on to say that he feared the personal disposition and antecedents of the Italian Agent at Tangier were such as to make an temperate course of action on his part very improbable. He described M. Scovasso as a *brouillon* who had received no training in the Consular Service, perhaps not the best of schools for a diplomatist. M. Scovasso, according to him, was afflicted with what a witty Belgian colleague of mine used to call "the Italian's disease," which the said colleague considered perfectly indelible.

The Marquis Spinola afterwards had some talk with Sir John, and expressed his opinion that if the Italian Agent at Tangier were to be removed, it should, on my side, report to your Lordship. I am, however, not a source of the character of the Italian Minister at Tangier. This is not a matter for me venturing to trouble your Lordship with a matter which is not my business to provide.

I have, &c.
(Signed) HORACE RUMBOLD

No. 100.

Mr. Reade to Earl Granville.—(Received August 28.)

(No. 45.)

My Lord,

Tunis, August 21, 1884.

WITH reference to the original and copy of a supplementary letter in original, which favours the settlement of the Maltese Capitulations, I must beg your Lordship to be assured that my former despatch, a circumstance has

only knowledge within the last forty-eight hours which, although possibly a matter of

having been set on foot by the Cardinal Legation, for the alleged raising 1,000,000 fr. in support of charitable establishments in this country,

being opposed to the interests of the Maltese, and to the interests of the British Government, I am opposed to the settlement of the Capitulations. I am, however, not a source of the character of the Italian Minister at Tangier. This is not a matter for me venturing to trouble your Lordship with a matter which is not my business to provide.

I have, &c.
(Signed) THOS. F. READE

Inlosure 1 in No. 100.

Messrs. M. Piccini, Bartolo, and G. Pinnì to Mr. Reade, August 2, 1884.

[See Inlosure 2 in No. 85.]

Inlosure 2 in No. 100.

Lottery Ticket

No. 101.

Mr. Fraser to Earl Granville.—(Received August 28.)

(No. 207.)

My Lord,

Rome, August 24, 1884.

IN accordance with the instructions conveyed to me in your Lordship's despatch No. 188 of the 10th inst., which I had the honour to receive by messenger on the 20th, I have spoken unofficially to M. Malvano upon the subject of the Italian claims on Morocco, and the visit of their Mediterranean squadron to Tangier.

M. Malvano told me that a part only of the Italian squadron had gone to Tangier, the rest remaining at Carthage; that M. Scovasso had availed himself of their presence to procure the settlement of outstanding grievances, which it was hoped were now in a fair way of arrangement, the Moorish authorities appearing to be favourably disposed; and that Count Nigra had already spoken with your Lordship upon the matter.

I gathered from M. Malvano's language that this Government wishes rather to disavow any intention of actual hostilities, and that the danger, if it ever existed, is now practically removed.

I have, &c.
(Signed) HUGH FRASER.

No. 102.

Mr. Broadley to Earl Granville.—(Received August 28.)

My Lord,

18, Elbury Street, London, August 24, 1884.

I AM instructed by Mr. M. de J. Levy to lay before your Lordship a short account of further proceedings which the French authorities have taken since the 1st June, 1884, in relation to the property of M. Levy at Gabes since the month of July 1881.

The facts of this forcible expropriation are briefly recapitulated in a report of Mr. Levy, representative at Tunis presented to Her Majesty's Consul General on the 1st June, 1884. It results from this document that during the time which had elapsed since the dispossession of Mr. Levy in 1881 the French authorities have repeatedly endeavoured to induce Mr. Levy to accept a sum in compensation far below the current value of his property. Mr. Levy, on the 1st June, 1884, and ever since, has refused to come to terms with the occupants of his land, and notwithstanding the heavy indirect loss inflicted on him by the French authorities, he has refused to accept any such offer. These negotiations having come to an end by Mr. Levy's protest of the 1st June, 1884, in which he demanded either the payment of the full value of the premises occupied or its evacuation, the French authorities next made a formal demand for Mr. Levy to produce the title-deeds of his property. To this he very properly answered that as soon as the sale price of the property was agreed on he was bound to make good his title to sell, and declined till then to produce his title-deeds, which it may be observed had never been questioned during the negotiations which preceded the protest of the 1st June. This pretext having failed, he was served on the 7th August with a written protest or declaration on behalf of the French military authorities, of which the following is a copy.

In this document the French authorities declare that they have no objection to the sale of the property of Mr. Levy, and that they are prepared to accept the sale price of the property, and that they are prepared to accept the sale price of the property, and that they are prepared to accept the sale price of the property.

It is to be seen, Mr. Levy, the clear and unmistakable provisions of the Treaty between Great Britain and Tunis protect him from the application of so extraordinary a procedure. Articles XI and XII of that Treaty are as follows:—

"Article XI. No British subject shall be forced to dispose of his real or personal property except for objects of public utility, and in accordance with the provisions of Articles 11 and 12 of the Municipal Law of Tunis shall be the rule for effecting such expropriation for any public purpose in a lawful manner, and for fixing the amount of the indemnity to be paid, and such indemnity shall be paid at once and without delay to the proprietor before the act of expropriation can be carried out."

"Article VII. As a further protection however to proprietors, the Decree declaring the public object for which the expropriation has been rendered necessary shall emanate from His Highness the Bey, the Consul-General or the Governor, his deputy shall have due information thereof, so that he may have the power to watch over the execution of the provisions of Article II of the Municipal Law heretofore established and agree upon with reference to the mode of ascertaining and fixing the amount of the indemnity."

It clearly results from the provisions of the Treaty which I have quoted that the proceedings named therein are applicable only to cases of expropriation for objects of public utility, and must be invariably resorted to before the expropriation itself is carried out.

In his protest of the 1st June, 1883, Mr Levy made a very moderate and just demand of the French authorities. He trusts that the enclosed will convince your Honours of the justice of his claims. He is anxious to see that the French authorities occupy the land and accept the offer for its occupation at a price which is just and equitable. He is anxious and willing to see that the French authorities take the arbitration of any competent persons both parties may agree upon or the French and English Governments may nominate. He trusts that the French authorities will find a solution of the difficulty, he confidently asks the aid and support of Her Majesty's Government.

I have, &c.
(Signed) A. M. BROADLEY.

Inclosure 1 in No. 102

M. Brulat to Baron d'Estournelles.

M. Brulat, Affaires.

A LA requête de M. le Ministre de la Guerre, demeurant à Paris, pour suites et diligences de M. le Lieutenant-Colonel Grippou, Directeur du Génie en Tunisie, commandant.

En vue de son étude, et pour lequel je me constitue, et j'occuperai sur le présent et les suites.

Le 26 Juin 1883, j'ai prié de vouloir bien transmettre à M. l'Agent et Consul-Général de Sa Majesté Britannique à Tunis, pour être signifié au Sieur J. Levy, de Londres, et par lui au Sieur M. P. Levy, son fondé de pouvoirs. Tous.

Que jusqu'à présent le Commandement avait traité à l'égard du Sieur J. Levy, un magasin et d'une parcelle de terrain sis à Gabès, qui est occupé pour les besoins de la guerre, et que le Sieur J. Levy se prétend propriétaire;

Que ce traité à l'égard du Commandement avait voulu témoigner une fois de plus de la confiance que le Commandement avait eue en la loyauté et en la probité du Sieur J. Levy;

Mais que, devant les prétentions exagérées du Sieur J. Levy, et devant les excuses par lui formulées dans sa dernière lettre du 26 Juin 1883, le Commandement a dû se résigner à ce que son magasin et sa parcelle de terrain soient restitués dans l'état strictement semblable à celui où elle se trouvait avant son occupation, et qu'une somme de 20,000 fr. lui soit payée pour l'occupation de son magasin et du terrain, déclarant que dans le cas où le Sieur J. Levy ne se résignerait pas à ces conditions, le Commandement se verrait obligé de recourir à la force publique pour faire exécuter ses travaux.

Le Commandement a donc dû se résigner à ces conditions, et les a posées au Sieur J. Levy, et à déclarer au Sieur J. Levy que si le Sieur J. Levy ne se résignait pas à ces conditions, le Commandement se verrait obligé de recourir à la force publique pour faire exécuter ses travaux.

1. Que sa réclamation est une réclamation pour l'occupation de son magasin et du terrain, et que la somme de 20,000 fr. est la somme qui lui est due pour l'occupation de son magasin et du terrain.

2. Que sa réclamation est une réclamation pour l'occupation de son magasin et du terrain, et que la somme de 20,000 fr. est la somme qui lui est due pour l'occupation de son magasin et du terrain.

3. Que sa réclamation est une réclamation pour l'occupation de son magasin et du terrain, et que la somme de 20,000 fr. est la somme qui lui est due pour l'occupation de son magasin et du terrain.

4. Que sa réclamation est une réclamation pour l'occupation de son magasin et du terrain, et que la somme de 20,000 fr. est la somme qui lui est due pour l'occupation de son magasin et du terrain.

5. Que sa réclamation est une réclamation pour l'occupation de son magasin et du terrain, et que la somme de 20,000 fr. est la somme qui lui est due pour l'occupation de son magasin et du terrain.

6. Que sa réclamation est une réclamation pour l'occupation de son magasin et du terrain, et que la somme de 20,000 fr. est la somme qui lui est due pour l'occupation de son magasin et du terrain.

7. Que sa réclamation est une réclamation pour l'occupation de son magasin et du terrain, et que la somme de 20,000 fr. est la somme qui lui est due pour l'occupation de son magasin et du terrain.

8. Que sa réclamation est une réclamation pour l'occupation de son magasin et du terrain, et que la somme de 20,000 fr. est la somme qui lui est due pour l'occupation de son magasin et du terrain.

9. Que sa réclamation est une réclamation pour l'occupation de son magasin et du terrain, et que la somme de 20,000 fr. est la somme qui lui est due pour l'occupation de son magasin et du terrain.

"Et que toutes contestations relatives aux immeubles seront portées devant les Tribunaux appelés à juger ces sortes d'affaires."

Sous toutes les plus expresses réserves que de droit, j'ai l'honneur, &c.

(Signed) A. BRULAT.

Inclosure 2 in No. 102.

Affidavit of M. Vittorio Darnon.

(Translation.)

Her Britannic Majesty's Agency and Consulate-General.

I, THE undersigned Vittorio Darnon, Italian subject, declare and affirm, on my oath in honour of truth, that M. Tarburicche, French subject, had hired from Messrs. Hai Hadad and Son a piece of land at Gabès, called "Porto," near the French military camp, measuring 100 square metres, that is, 10 metres of frontage and 10 metres of depth, for the annual rent of 150 fr.

I also declare that I have hired at Gabès a piece of land near the above-mentioned, of the size of 220 square metres, that is, 22 metres of depth and 10 metres of frontage, for the annual rent of 200 fr.

(Signed) VITTO. DARNON

Sworn at Tunis this 7th day of August, 1883.

Before me,

(Signed) THOS. F. READE, Agent and Consul-General.

Inclosure 3 in No. 102.

Affidavit of M. Giacomo Amato.

(Translation.)

Royal Italian Consulate at Tunis.

IN the year 1883, on the 4th June, in the Royal Italian Consulate at Tunis, before us, Pr. Vincenzo della Chiesa, Royal Consular Judge, assisted by the undersigned, Edward Nurry, Consular Clerk, & di Cancelliere:

Appeared M. Giacomo Amato, who, bound by the oath taken in accordance with Article 97 of the Consular Law, declared that he had rented at Gabès (Tunis), from Mr. Hai Hadad, a piece of land situated in the locality of Dar El Bey, by the sea-shore, measuring 32 metres in length by 10½ metres in breadth, for an annual rent of 200 fr., in advance, upon which he has built two buildings, the one serving as a canteen, the other as a grocery store.

On which account the present verbale is given, signed by said M. Amato and ourselves.

(Signed) GIACOMO AMATO,
DELLA CHIESA,
& NURRY

A true copy of the original

Il Re applicato # di Cancelliere

(Signed) R. DECIANI

Tunis, June 5, 1883.

No. 103.

Signor Catalani to Earl Granville.—(Received August 30)

(Privé et Confidentielle.)

Milord,

35, Queen's Gate, Londres, le 29 Août, 1883.

UN différend s'est élevé entre le Gouvernement Italien et le Gouvernement du Maroc relativement (1) à des abus d'autorité de la part des Gouverneurs de Rhet et de Zenet; (2) au règlement de plusieurs créances et réclamations pour vols commis au détriment de sujets et de protégés Italiens.

Une solution satisfaisante ayant été convenue pour ce qui concerne les susdits Gouverneurs, il ne reste depuis huit jours qu'à régler la question des créances et des vols.

[1145]

Le Ministre des Affaires Étrangères du Maroc, malgré les sollicitations pressantes du Ministre d'Italie à Tanger, ne fait aucun rapport.

Dans cet état de choses, M. Mancini a chargé par télégraphe le Comte Nigra d'avoir recours à la bienveillante entremise de votre Excellence, en la priant de vouloir bien donner instructions au Représentant Britannique à Tanger d'engager aussitôt que possible le Gouvernement du Maroc à ne pas retarder à résoudre équitablement cette question.

M. Mancini ajoute ce qui suit dans son télégramme :—

“La demande du Gouvernement Italien est d'être traité à cet égard comme les Anglais et les Français l'ont été.”

“La situation en se prolongeant pourrait devenir dangereuse, car tous ces attermoissements et une différence de traitement envers l'Italie aurait l'apparence d'une provocation.”

“Je télégraphie de mon côté au Ministre d'Italie à Tanger d'être aussi conciliant que notre dignité le permet, mais il est urgent d'en finir.”

En l'absence du Comte Nigra, j'ai l'honneur d'adresser à votre Excellence mes prières les plus pressantes d'accepter l'offre présentée en consultation à J. de M. Mancini, et de télégraphier aussitôt que possible au Représentant Britannique à Tanger.

J'ai l'honneur en même temps d'envoyer très confidentiellement ci-joint à votre Excellence le résumé d'une dépêche du Ministre d'Italie à Tanger, contenant un exposé du différend entre l'Italie et le Maroc.

Veuillez, &c.
(Signé) T. CATALANI

Inclosure 1 in No. 103.

Convention for the Adjustment of Debts and Thefts.

(Translation.)

WE have received the notes of the documents relative to the questions between your subjects and those under your protection against the subjects of His Shereefian Majesty, and we have brought the same to the knowledge of our Master, protected by God.

His Majesty the Sultan has decided to command the Cadi of Fes to select a feku [?], an honourable and respectable person, and two notaries of credit and reputation, who shall be sent to Tangier to proceed to the examination of the documents specified in the undermentioned lists, as well as of those of which lists have not been presented.

In this Commission shall also take part the Representative Sid Mohammed Bargash, your Representative, the First Interpreter of the Royal Legation, and a merchant upon whom reliance may be placed, and whose appointment shall be subject to your choice.

The documents are to be divided into three categories:—

1. Regular documents.
2. Approximately regular documents.
3. Valueless documents.

As soon as the Commission shall have terminated the examination of the documents, the Representative Sid Mohammed Bargash shall acquaint His Shereefian Majesty thereof.

For regular documents and those which are nearly regular our Divinely-protected Master will give peremptory orders to the Governors of the respective debtors mentioned in the documents, so as to oblige the debtors to pay their debts. For the debtors who shall pay their debts the object is attained. In the case of debtors who refuse to pay their debts the Government will give all its support to the Governor under whose authority they are to proceed to the sale of their substance, and to pay their debts with the produce of such sale. In case the produce of the sale should prove insufficient to discharge the debt, the debtor shall be imprisoned until the debt is completely paid off. The plea of non-possession shall not be admitted for the debtors unless it be proved true, and in the case of those not recognized as true the person bringing it forward shall be imprisoned unless its truth is demonstrated.

If debtors dispose of their property by sale pending the adjustment of the questions, such transaction shall not be recognized.

A term shall be fixed by the Governors for the final settlement of these questions with the debtors, the collection of the money, and the arrest of the non-possessors. This term shall be the space of a year, and shall commence to be reckoned from the day on

which His Shereefian Majesty shall have replied to the letter in which he shall have been informed that the Commission has completed the examination of the above-mentioned documents.

With respect to documents which are wholly irregular, these shall be null and void.

With regard to thefts, if these are proven, the person who has been robbed shall be recompensed by the thieves, if the latter are known; and if the thieves are unknown, as, for example, in the case of nocturnal robbery, &c., the person who has been robbed shall be paid by the inhabitants of the place in which the theft was committed.

In the case of thefts almost proven, but where the person robbed cannot present a principle of proof, he shall take oath, and then he shall be reimbursed to the amount stolen.

Thefts not proven shall not be taken into consideration.

His Majesty our Divinely-protected Sultan desires that no one shall be injured in his interests, especially the merchants of your great nation, considered by His Shereefian Majesty as one of the Powers most friendly to him.

His Divinely-protected Majesty desires at the same time that you should depart from him satisfied, since His Shereefian Majesty is convinced of your friendship and of your zeal and earnest desire for the welfare of his happy Empire, for which you have our heartfelt thanks.

(Signed) MOHAMED BEN-EL-ARBI BEN MOKBAR,
Grand Vizier.

El Rejeb, 1299 (May 29, 1882).

Inclosure 2 in No. 103.

Summary of Despatch from M. Scramuzza.

THE Italian-Moroccan Commission for the revision of bonds of Italian subjects, or those under Italian protection, under the presidency of the Minister Sid Mohammed Bargash, was composed of the following gentlemen: the Advocate Riccardo Motta, Count G. Gentile Agessio, Hortus Gian Francesco, and of three Notables or "Talba" of Fes.

The documents laid before the Commission amounted in all to 1,410.

Of these, 52 form a separate category, which will be noticed later.

Of the remaining 1,358 the Commission recognized as regular, 84; affected by the personal responsibility clause 114, rejected 260, total 374.

Of these 374, 114 in all to the sum of 57,470 douros 4 reals.

The 114 documents affected by the personal responsibility clause relate to sums which amount to 12,830 douros 1 real.

It is, however, to be noticed that among the above-mentioned documents some exist which have no definite value in money, but rather in cattle, animals, and goods, and others of which the debt is assumed by the subjects, or persons protected by Italy, and the natives or Moors. The number of these, however, is not large, and would not add much to the sums above specified.

Coming now to the 52 documents above referred to, it is to be observed that 35 of these belong to the house of Carlo Morteo, and in respect of these the Sultan is asked to have them revised in Mazagan itself, since these documents consist almost exclusively in deeds of association for cattle breeding, without any apportionment of expenses or profits, and of papers respecting thefts of cattle, furnished with "lime" and attestations.

Sixteen other documents are substantiations of various thefts. Respecting these the Minister Bargash has reserved his answer to a later date.

The last document, the only one drawn up in Hebrew, relates to a debt upon the property left by the Jew Anzor, who was killed by some Moors belonging to the interior. The Minister Bargash appears to recognize the justice of this claim.

Statement of the Questions at issue between the Royal Italian Legation and the Sherrefian Government, respecting Thefts, Malversations, &c.

Questions.

1. DEBTS owed to Italian subjects or persons under Italian protection, and claims made by the same for compensation for thefts, some of which date from 1870.

Claims of the house of Messrs Nahon.

2. About a year and a half ago three robberies of washed wool were committed against this firm. The documents in support of this claim were forwarded to the Minister Mohammed Bargash before the departure of the Minister for Morocco. On the matter still remains in possession of Messrs. Nahon.

The Royal Legation discussed this question with the Khalif Serhat of Larache, who promised that Messrs. Nahon should be compensated for this theft before the Mission had reached Morocco; these promises, however, were not kept. This question became the subject of negotiations with the Sultan himself, who sent a Sherrefian letter to the Cadi of Larache. The letter was delivered to the Cadi in the month of April last by the Royal Consular Agent in Larache. It seems, however, to have been merely a simple recommendation of Italian interests in general, a recommendation which, however, the Cadi has not as yet followed.

3. About a year and a half ago, on the road to Rabat, four oxen were stolen, four of which belonged to the house of Benaayag and two to the above-mentioned house of Nahon. The documents substantiating this theft were forwarded to the Minister Bargash. This matter has been several times the subject of communications, which have as yet led to no favourable result.

4. The above-mentioned firm presented two claims against the Cadi Suisi di Rabat, one for the imprisonment by this Cadi, without previous notice to the Royal Consular Agent in that residence, of his agent Ahmed Ben Zaid, after having taken away the oxen which he had bought for produce of the interior on the account of the said firm; the other for breaking open a small shop belonging to the Mosque, and housed in the firm of Nahon, and seizing its contents. The Cadi Suisi has constantly refused just compensation for this as well as for the first claim.

The Minister Bargash made some

Demands of the Royal Minister.

1. IT is demanded that these debts and the compensations for thefts be paid in the same way as similar debts and claims were paid to the subjects of France or persons protected by France, or the subjects of or persons under the protection of other nations.

2. It is demanded that this matter should be settled at once by a payment of 804 scudi. If compensations for thefts committed more recently against the subjects of or persons under the protection of other nations have been paid, why have not the subjects of or persons under the protection of Italy been paid?

3. A payment of 240 colonnati is demanded, being in the proportion of 40 colonnati for each ox the price paid for the cattle stolen from Signor Benchimol Ham, under French protection, among which cattle were included not only oxen but cows and calves, each being reckoned at a value of 200 fr each, as if they had been all oxen.

4. A payment of 388 scudi is demanded, being the sum intrusted to their agent by Messrs. Nahon for the purchase of the oxen arbitrarily sequestered by the Governor Suisi, and 12 scudi for expenses incurred.

In the second case is demanded the restitution of the shop and the reimbursement of 90½ scudi, the value of the objects which it contained.

Questions.

attempts to settle these claims which date more than a year back, but without result.

The Royal Legation presented a complaint against the Cadi Suisi to his Sherrefian Majesty for the above conduct in a note of the 24th April last, but has as yet obtained no favourable result.

5. The firm of Nahon further claims the return of 192 scudi paid as customs duty at Mogador for the cargo of wool of the "Novo Recreo," which was lost in the waters of Mogador. This cargo was destined for Agadir.

This question has remained in its present state for four months. It was the subject of oral discussion with the Minister Bargash, who upholds the principle that customs duty once paid is never under any circumstances to be paid back. The parties who have paid, however, maintain that the duty paid in Mogador is to be considered as a deposit, or rather as a simple advance, as the Sultan had not appointed any Administrator in Agadir.

The last reply of the Minister Bargash was that he must consult competent persons and study the question before he could give a definitive answer in a case which would create precedents.

6. Messrs. Nahon further claim against the Cadi of Larache Mohammed Ben Ayse for having arrested without any previous notice their agent, Mohammed Meskik, while at the dépôt [?] ("sooco") Had Uled Gellul, with the purpose of making purchases of wool. The arrest was made on the 6th May, 1883. The said Mohammed was wounded, and the money intrusted to him for purchasing wool was lost or stolen. A complaint of this matter was forwarded to the Minister Bargash by the firm of Nahon, and the same day was forwarded to the Governor of Larache, who has as yet taken no action. The matter is as yet unknown to the local authorities.

The violent proceeding of the Cadi is approved by a large number of persons entirely worthy of credit, who have been interested by this Royal Legation.

Claim of Isaac di Salamone Nahon, under Italian protection.

7. The above-named merchant presents a claim against the Governor Ben Remuse for having ordered the arrest of his shepherd Rezzuc El Dellah, who, being thus induced to flee, abandoned eighty oxen belonging to Signor Nahon.

Rezzuc, on his return from Larache with a letter from the Royal Consular Agent there for the above-mentioned Governor,

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Demands of the Royal Minister.

5. The payment of 192 scudi is demanded since the Minister Bargash should by this time have studied the question, and convinced himself that Messrs. Nahon are equitably entitled to reimbursement of the sum deposited, or to its deduction from import or export duties which the above-mentioned firm may have to pay the Custom-house at Mogador for other goods.

Payment is accordingly demanded of 900 scudi stolen in the tent during the violent arrest of the agent Mohammed Meskik, upon complaint, however, of a solemn oath taken in the presence of the Cadi, and in the Mosque of Larache, and further, the payment of compensation for the loss of the money intrusted to him by the firm of Nahon, the Governor Mohammed Ben Ayse being to blame in not having taken the necessary precautions in force of law, and in having arrested the Moor without previously notifying the Royal Consular Agent of the arrest, and of the person, who is under Italian protection, would have been enabled to secure his interests from loss.

7. Payment of 900 scudi is demanded from the Cadi Ben Remuse on the grounds stated in the opposite column.

Questions.

found ten oxen were missing, and fourteen dead.

The Governor Ben Remusc always denied having ordered the arrest of the above-named individual, but, from five documents in possession of the said Royal functionary, it clearly appears that the Governor Ben Remusc commanded a Sheikh to arrest Rezzuc, and this without any previous notification to the Italian Consular authority.

This question, which arose about four months ago, has been the subject of very frequent communications with the Minister Bargash, who had a long correspondence with the Governor upon the subject. The Governor persisted in his denial, and put forward other documents in refutation of those on which Signor Nahon grounds his complaint, and Signor Bargash has taken no further steps towards the settlement of this matter.

Claim of Josué Toledano, under Italian protection.

8. The above-named merchant has presented to this Royal Office a claim against the Cabila of Beni Msuar, stating that his agent Harrar was on a market day beaten and bound by the soldiers of the said Cabila's Sheikh, who took him into a wood and robbed him of the money he had upon him, that is, 80 douros, the property of Signor Josué Toledano, as proved by a document in his possession. The matter was discussed several times with the Governor of Tangier, but as the latter evidently showed no promptness to settle the question the matter was brought before the Minister Bargash, who interrogated Harrar himself upon the subject, but without any result having as yet been obtained. This question dates to four months back.

Claim of Nicolò Garassino, Italian subject.

9. The Royal Consular Agency in Casablanca about two months ago submitted to this Legation a complaint against the Cadi of Zenet, Basmaib Ben-el-Arbi, for having caused threats and insults to be offered to the Royal subject Nicolò Garassino, who was at a place within his district, attending to his interests, and for having obliged him to strike his tent and depart therefrom by threatening to cut the tent into pieces with his sword, which he had drawn, if he remained.

The said Cadi of Zenet sent his talch and several of his relatives to Casablanca to settle this question. Garassino, however, would not accept the proposals of the Cadi.

Demands of the Royal Minister.

8. Restitution of the 80 colonnati stolen from Harrar is demanded, on condition of his taking a solemn oath that they were really stolen from him.

9. It is demanded that the Cadi of Zenet shall be obliged by the Sherrefian Government to come in person to this Royal Legation and apologize for the insult inflicted on the Royal subject Garassino, and to compensate Signor Garassino for the loss caused him by the violence which was offered him.

Questions.

The documents respecting this question were communicated to the Minister Bargash, and are now deposited at this Royal Legation.

10. The same Royal Consular Agency of Casablanca brought a complaint two months ago against this same Governor of Zenet because he had ordered to be trampled down and devastated four fields of barley and grain belonging to Agi Bu Azza Uld Messik, under the protection of Italy. The document substantiating this act of the Governor is in the possession of this Royal Office.

Complaint was made orally to the Minister Bargash against the Cadi of Zenet. He answered that as to the four fields which he had caused to be devastated, it was just that the owner should be compensated for the loss suffered, but that the complaint made by Signor Nicolò Garassino against the above-named Governor does not seem to be a sufficient reason for demanding the dismissal of the Cadi, since that is not within the sphere of his competence, but in the power of the Sultan alone. The matter has remained at this point up to the present time.

Claim of Mohammed Ducaly, Italian subject.

11. The Royal Consular Agency of Rabat laid before this Legation about two months ago a complaint against the Cadi Sursi, because, when Mohammed Ducaly had been robbed of two mules the said Cadi took no measures to secure the discovery of the thieves and the compensation of Ducaly for the robbery.

12. The same Royal Consular Agency of Rabat forwarded a complaint to this Royal Legation about a month ago against the Cadi Sursi for having ordered the arrest of a gardener in the service of the Italian subject Mohammed Ducaly, without previously notifying the Italian Consular authority, and having sent a soldier into Ducaly's garden to arrest there the said gardener.

Demands of the Royal Minister.

10. The Sherrefian Government is asked to appoint a Commission, two members to be nominated by the Pasha and two others by the Consular Agency of Casablanca. The Commission to inspect the scene of the outrage ordered by the Governor of Zenet, and estimate the damage caused by the destruction of the crops in the four fields belonging to Uld Messik, the amount of such damage to be immediately compensated by the Governor who was guilty of causing it.

11. It is demanded that the Sherrefian Government should oblige the Governor Sursi to pay the value of the mules stolen, since no endeavour was made to arrest the thieves.

12. This constitutes the second violation of law committed by the Governor Sursi, and for this, as well as for other abuses of authority committed by him to the prejudice of Italian commerce, his dismissal or translation to another province is demanded, the Sherrefian Government being responsible for the acts of its officials. It is also demanded that the Government should take measures for punishing any individual or persons under the protection of Italy who acts against the interests of the district.

No. 104.

Mr. Currie to General Hamda Ben Aynd

Sir,

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 17th instant, forwarding two despatches from Her Majesty's Agent and Consul-General in Tunis, and explaining the object of your present visit to London, and the nature of

Foreign Office, August 31, 1883.

the assistance which you solicit at the hands of Her Majesty's Government in your claims against that of Tunis.

I am, &c.
(Signed) P. CURRIE.

No. 105.

Earl Granville to Sir J. Drummond Hay.

(Telegraphic.)

Foreign Office, September 1, 1883, 3-33 P.M.

ITALIAN Government are desirous that we should start our Representative in Morocco to press for a settlement of their claims against that Government.

Do you see any objection to Mr. White advising the Moorish Government to give an assurance that the Italian claims will be treated on the same footing as French and English claims?

No. 106.

Consul White to Earl Granville.—(Received September 3.)

(No. 78.)

My Lord,

Tangier, August 27, 1883.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 38 of the 10th instant, transmitting copy of a letter from the agents of the Soos and North African Company, reporting that certain goods landed and stored by them at Erksheesh, in Moorish territory, had, on or about the 27th June last, been plundered by sundry tribes, and everything carried off, and further stating that this had been done by order of the Emperor of Morocco, the Sultan's troops being within a quarter of a mile from the spot; and that the Commanding Officer had thrown all their employes into prison, and had severely beaten them.

Your Lordship directs me to furnish you with a Report on this matter, and especially as to the correctness of the assertions in regard to the complicity of the Sultan in the alleged plunder of the Company's property, and the treatment of their servants.

I have received no information from Mogador on this subject except that contained in the extracts from Consul Payton's letters, transmitted to your Lordship in Sir J. D. Hay's despatch No. 62 of the 12th ultimo, and in my despatch No. 71 of the 27th ultimo; but I received yesterday a communication from Cid Mohammed Bargash, a translation of which I have the honour to inclose, informing me that the effects left by Mr. Curtis at Erksheesh had been taken possession of by the Kaid, or local Governor, by order of the Sultan on his return, copy of which is herewith inclosed, having been duly informed that two Moorish slaves employed by Mr. Curtis in the same traffic had been arrested and sent to prison at Morocco. Cid Mohammed Bargash proceeds to refer to a protest, warning the public that any one trading on the Soos coast will be treated as a smuggler, and that as there is no lawful trade there, no goods are permitted.

The protest to which Cid Mohammed Bargash refers was, by direction of Sir J. D. Hay, communicated to the Consul at Mogador to British subjects at that port,* specially to advise them of the protest made by the Soos and North African Company, and they were warned that Her Majesty's Minister would not entertain claims that might thereafter be put forward for losses sustained on the coast south of Mogador and north of Wad Drum, by wilful infraction of the fiscal laws of Morocco.

The Soos and North African Company were also warned by your Lordship on the 12th December, 1881, "that they must not expect protection from Her Majesty's Government in the event of any measure being taken by the Sultan to prevent illegal trading along the coast under agreements with native Chiefs, who have no authority to enter into them."

In a letter addressed by Cid Mohammed Bargash to Sir J. D. Hay on 21st January, 1882, a translation of which is transmitted to your Lordship in Sir J. D. Hay's despatch No. 106 of the 21st January 1882, and a copy of which Cid Mohammed Bargash's request, was communicated to the public through the *Times* newspaper by your Lordship's direction, his Excellency stated that he was aware of the fact that

* See Sir J. Drummond Hay's despatch No. 11, *Slave Trade*, of November 25, 1881.

by the British and other foreign Governments to be within the dominions of the Sultan, and that no Sheikhs or other persons had been authorized by His Majesty to enter into agreements with foreign Governments or subjects. His Excellency further announced that all persons landing on that coast for the purposes of trade would be treated as smugglers, and that no claims on account of loss of life or property from such wilful infraction of the law would be entertained.

On the 28th April of this year a further notice, signed by the Moorish Minister, appeared in the *Times*, stating that it had been reported that an English vessel had landed provisions, rice and cattle on the Soos coast, and had proceeded thence to England. His Excellency then refers to the formation of a Company to trade on the coast of Soos, in contravention of Treaty stipulations, without having obtained the permission of the Moorish Government, and declares his protest against any concerned in these acts, holding those who proceed to trade solely responsible for any damage or loss that may result, and adding that the Moorish Government will not be responsible for any loss of life or property, for the coast of Soos is within the Sultan's dominions, and is not a free port, open to trade, and the landing of goods there is contraband, and will be treated as such. Public notice was then given in the *Moroccan Market* and City butchers' shops of the *Times* of the following day.

The Soos and North African Company were, I venture to say, warned that if they persisted in trading to the coast of the Soos coast they would incur great risk and peril, and that goods landed there would be treated as contraband. They are aware that Erksheesh is a port of a Sultan's domain, and in a letter to your Lordship of the 10th instant they declare that they have received, and their knowledge

that they were engaged in a contraband trade in Moroccan territory, they have chosen to accept the responsibility, and to incur the risk and peril of their act; yet notwithstanding, in conformity with Article XIII of the Convention of Commerce and Navigation of 1856, their goods have been confiscated to the Sultan, they come forward with a claim for 10,000*l.* against the Moorish Government for damages.

I beg to draw your Lordship's attention to the preposterous character of this claim put forward by the Company as damages for the seizure of property the actual value of which, as noted in the inventory, could hardly exceed 100*l.*

I have, &c.
(Signed) HORACE P. WHITE.

Inclosure I in No. 100.

Cid Mohammed Bargash to Consul White.

(Translation.)

(After compliments.)

Tangier, 22 Shawwal, 1300 (corresponds to 1883).

HIS MOST EXCELLENT HIGHNESS the Sultan, the Kaid of Mogador, the Kaid of Erksheesh, the Kaid of Soos, and the Kaid of Wad Drum, have all been informed by Mr. Curtis, my friend, Hadj Mohammed Bu Sheikha of Mogador and Jeannet of Agadaya, a letter to the two tribes of Seboya and Miste, calling upon them to support him, and to fulfil their engagements with him, and to protect the property he had left in the enclosure surrounded by stones, which he had marked out at the port of Erksheesh, until he should arrive by sea.

These two men were arrested, and an inventory taken of whatever was found in the said enclosure, and the inventory was transmitted to the Sultan, the same as is set out herewith. And our Lord ordered him (the Kaid) to send the two prisoners to Morocco as a punishment for having opened the door to the entrance of the possession of all that is noted in the inventory, for the act of opening the door to that spot is in contravention of the protest made by us, and is a violation of the law of contraband. Therefore, whatever is found there is subject to the law of contraband. Moreover, this merchant has been repeatedly informed through our said protest that the responsibility for what befalls his person or property would rest with himself. Peace and friendship.

(Signed) MOHAMMED BARGASH.

(Translation.)

INVENTORY of the effects of the Christian, James Curtis, which were found in the place where he was at Erksheesh, in the district of Sebaya, in the presence of his representative, Hadj Hamdan Ben Hadj Mohammed Bu Sheikh of Mogador, and his agent, Jelany Ben Ali of Mogador, and the servant of our Lord, Kaut-el-Ahsan Ben Ahtes Sidi, and, God Armed, Bu A. M. stay at Jell on Aie-Mestaw.

- 9 bales of goat-skins each containing 32. Total number of goat-skins 282 (ov).
 4 bales of sheep-skins, 40 skins in each bale. Total number of sheep-skins, 160.
 1 small bale of wool,
 - a brass tent, made of seven wishe, one over the other. (Qty., a double tent.)
 2 small cork matresses.

No. 107.

Mr. Reade to Earl Granville.—(Received September 4.)

(No. 45)
My Lord,

Twice, August 20, 1885.

WITH reference to my despatch No. 30 of the 1st instant, on the subject of General Sid Hamuda Benayad's claims against the Tunisian Government, I have the honour to transmit to your Lordship the accompanying copy of a letter which the French Chargé d'Affaires has written in reply to one I had, some months previously, addressed to M. Cambon, when submitting to him a copy of General Benayad's Memorial with regard to his said claims against the Government.

I beg also to transmit a copy of a letter from General Benayad's attorney protesting against the rejection which is now communicated to us of those claims and of the possibility of a successful defence to the charges against him. As the British, pending further trial, will communicate to you I enclose three.

[illegible]

On the 30th of last month the Chargé d'Affaires wrote me a private note (which I beg to inclose in original) stating that the Prime Minister had occupied himself at some length about the Benayed claims, and had prepared a reply, which it would be impossible to render into French by the 1st August, i.e., within the term of two days, when, as I had intimated to him, it was my intention to forward the whole case to your Lordship's Office. Your Lordship will judge whether the reply communicated to me twenty-four days later corresponds with the description given in the private note.

With regard to the protracted period of time during which the Benyad claims have been in existence, and the plea which is consequently alleged for their rejection, I may be permitted to remark that, as a matter of fact, and according to Mussulman law, there is no limitation whatever as to time for claims against the Tunisian Government, and that, even in cases between one private individual and another, it is necessary to prove twenty years' abandonment of right before the Statute of Limitations can be enforced.

I have, &c.

(Signed) THOS. F. READE

Baron d'Estournelles to Mr. Reade.

M. l'Agent et Consul-Général,

Tunis, le 22 Août, 1883.

VOUS m'avez fait l'honneur de me communiquer par votre dépêche du 28 Mai dernier, un exemplaire du Mémoire que le Général Hamida Ben Ayad produit à l'appui de ses réclamations contre le Gouvernement. Les

Le nombre de ces réclamations, qui est de six cent dix-huit, n'est pas inférieur à vingt-six. Un certain nombre remonte à plus de vingt années, les plus récentes se rapportent à des affaires qui se sont passées il y a au moins onze ou douze ans.

Le Gouvernement de Son Altesse des rois de répondre dans le plus bref délai possible à cette lettre, a employé, sans perdre un instant le temps, s'est écoulé depuis sa réception jusqu'à ce jour pour en rendre un compte exact de la valeur des recommandations qui lui étaient adressées, et qui l'ont fait M. le Ministre s'élever, en capital, intérêts et frais à quatre cent mille francs.

À la suite du travail et des recherches entreprises à ce sujet, il a paru que les réclamations du Général Huet-Bon-Ayas n'étaient pas justifiées et qu'par conséquent le Gouvernement n'avait rien à lui offrir.

Dans cette situation, nous nous adressons à vous pour vous faire connaître, au nom du Gouvernement algérien, que le Général Ben Ayoub ne persiste dans ses réclamations il doit s'abstenir, la parole n'étant pas à lui.

Le Gouvernement détiennra ses droits lorsqu'il sera régulièrement appelé à le faire.

Agréer, &c.
(Signé) P. D'ESTOURNELLES.

Изложбите 2 и 107.

M. Pelletier to Mr. Rouse.

Alte Consult. General

700 6 27 April, 1883.

LE GÉNÉRAL SEYDINE du Ben Ayala l'honneur de vous adresser d'avoir bien voulu lui faire connaître par le M. le Ministre des Affaires Étrangères, Française, Ministre des Affaires Étrangères du Gouvernement de Son Altesse, en date du 22 Août courant, relative à ses réclamations contre le Gouvernement Tunisien.

Il résulte de cette lettre qu'après trois mois de travail et de recherches consacrés à l'examen du Mémoire produit par Sid Hamida, il a paru au Gouvernement de Son Altesse que ces réclamations n'étaient pas justifiées, et que par conséquent il ne pouvait les admettre.

"Dans cette situation," ajoute M. le Resident, "je suis autorisé à faire connaître au gouvernement américain que si le Mexique persiste à persister dans ses réclamations il doit s'adresser à la justice internationale."

Certes, le Général Sid Hamidou n'avait jamais fait grand fond sur les dispositions actuelles du Gouvernement. Toutefois, dans sa réponse de M. le Résident a bien voulu lui causer quelque surprise.

Jamais, même du temps du Général Kléberdine, on n'a répondu au Général Sid Bouaida Ben Ayad d'une manière si laconique et si absolue. On a ajourné le règlement de ses comptes, on l'a subordonné à des événements qui ne s'accomplissaient pas, c'est vrai, mais on ne lui a jamais dit que ses réclamations n'étaient pas justifiées, et qu'on les rejetait purement et simplement. Il appartenait au régime actuel d'entrer dans cet état d'esprit.

Scandale la "Gazette" dont on a usé récemment, envers le Général dans la question des terrains de la Djedda, et dans celles des lots urbains envahis par MM. Delsol et Maréchal, procédés où la violence et l'oubli de toutes formes semblent avoir été pris pour règle à son égard ?

Avant les échecs de 1981, Ben Ayad pouvait espérer le règlement de ses difficultés; du moins il comptait parvenir à s'entendre sur quelques-unes. Maintenant tout est remis en question. On se targue même, faute de raisons, de l'époque reculée où elles ont pris naissance !

En d'autres termes, on semble invoquer la péremption ou la prescription. Cependant, le Gouvernement Tonsien n'ignore pas, et sait mieux que personne, que les réclamations formées contre lui ne se prescrivent jamais.

Par le Mémoire produit, Ben Ayad concluait ou à un règlement amiable, ou à un

Dans cette situation, le Général Sid Hamida Ben Ayad ne peut que protester contre la récente décision du Gouvernement Tunisien; et il fait appel à la bienveillante protection du Gouvernement de Sa Majesté Britannique et à votre haute sollicitude.

Il a l'honneur, &c.
Signé) A. PELLETIER

Inclosure 3 in No. 107.

Mr. Reade to Baron d'Estournelles.

Tulsa, August 27, 1883.

Sir,

I BEG to acknowledge the receipt of your official letter of the 22nd instant, informing me, with regard to General Sid Hamida Benayad's claims against the Tunisian Government, as set forth in a "Mémoire" which I had the honour to submit to M. Cambon on the 25th. May last, that those claims are not, to your opinion, justifiable, and, in view particularly of their great age, rejected. You see, however, that if Sid Hamida should persist in his demands, he is referred to the "arbitrage international".

Having communicated your letter to the chief of the attorney, I have received from him, in the form of a protest, a reply of which I beg hereto to annex a copy.

On my own behalf, and as the British Representative in this country, I must beg also to record the great disappointment with which I learn the result of all the study which you tell me has been devoted to the subject of the "Memoire."

The circumstances under which, after a formal and definitive understanding had been come to with the Provisional Government, by the ratification of the Government of the United States, and the Government of France, previously at no standstill, say, for example, from the Treaty of Commerce the value of a number of "Bickers" he holds in satisfaction of services rendered and payments made to or on behalf of the Provisional Government, M. Combes proposed the sustenance of his high position, and insisted upon Benayad's presenting all his claims against the Government at one and the same time, a course which, apart from its other objections, has involved the claimant in much unnecessary delay and expense - these, and other circumstances which I need not here enumerate, led us naturally to expect that, if a decision were unfortunately come to to reject the Benayad claims, it would be upon some other plea than that of their long-standing character, a plea which has never before been put forward, and which, but for the official channel through which it is now communicated, could with difficulty be regarded as serious.

Regarding the "jurisdiction competent" to which, in case of persistence in the demands made, the claimant is referred, I have only to remark that, unless we may look for it in the formation of a regularly appointed Commission of Arbiters, I know not where it is to be found.

I leave, however, all further consideration of your letter to Her Majesty's Government, and confirm, in the meanwhile, the protest which is expressed in the accompanying Petition.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 4 in No. 107

Haron d'Estouneville to Mr. Kade

Tunis, le 30 Juillet, 1883.

Cher M Reade,

J'ALLAIS vous écrire à ce sujet. J'ai rappelé plusieurs fois l'intérêt que vous devez avoir à voir traiter cette affaire la plus rapidement et si possible. Je me suis adressé au Premier Ministre de me mettre à même de vous répondre. Je sais qu'il s'est occupé long-temps de cette affaire hier.

Voire, &c.
(Signé) P. DESTOURNELLES

P.S. Je viens de voir M. Bompart, qui me dit que la réponse est prête mais qu'elle est difficile sinon impossible à écrire et qu'il est difficile de l'écrire.

P. DE

* Affaire Benayed contre le Gouvernement : Tunisie

Sir J. Pauscote to the Law Officers of the Crown and Dr. Deane.

Foreign Office, September 4, 1883.

Gentlemen,

I HAVE the honour to transmit to you, by direction of the Secretary of State, the papers noted in the accompanying list, which relate to the establishment of French Tribunals in Tunis, under the Law of the 27th March last, and to the question of the abrogation of foreign Consular jurisdiction in that Regency, which the French Government are desirous should be assented to by foreign Governments, in order that foreigners should henceforward be amenable to the new jurisdiction.

At p. 36 of the printed Correspondence you will find the note from the French *Chargé d'affaires* at this Court, dated the 10th May last, relating the various Laws, Decrees, &c., establishing the new Tribunals, and requesting Her Majesty's Government to waive the British Consular jurisdiction in their favour.

The Mr. May's Caper now, it is a lot of work and a lot of trouble, but I am sure that it will be a great success. I am sure that it will be a great success. I am sure that it will be a great success.

(b) The 20th January 1964, the Honorable Secretary, Embassy of Ambassador that, subject to certain reservations, granted a visa to the applicant, which further affirmed a visa required by Her Majesty's Government in London, the applicant's name in the Ministry of Foreign Affairs of the Republic of the United Kingdom is on the list of the Government of the United Kingdom, which is a sign of the Government of the United Kingdom.

In the first way, the papers on the subject were submitted to Mr. T. H. Lee, Local Adviser to Her Majesty's Embassy at the Palais Royal, and received proof of their acceptance by the Local Adviser's signature on the 10th of July.

There is a full front to the road to the west, and the station will be the last point in the road to the west. The station is there. There is a tower, by the way, which appears to be a long one, giving rise to a sign.

1. The absence of a right of challenge to assessors
2. The absence of the right to go to court to challenge the award

And as regards the second point, I am to observe that, in view of the large foreign element in the country, it would appear very desirable to press for the extension of this right to all duly qualified foreign advocates, under proper conditions and regulations.

It further appears to Lord Granville that care must be taken to reserve every other right or privilege retained by any other nation, and notably by Italy, whose reservations, which are more extensive than those of Her Majesty's Government, will be found at p. 64.

I am to request that you will take the papers transmitted herewith into your consideration, and that you will favour Lord Granville with your opinion as to whether the above reservations are desirable and sufficient, and with any general observations which you may have to offer on the general questions.

(Signed) JULIAN PAUNCEFOTE.

End of Report:

1. Correspondence respecting the Establishment of French Nationals in Tunis.
2. Minute on A) Trent's Report (A).
3. General Minute on the Papers (B).

No. 108.

Consul White to Earl Granville.—(Received September 5.)

(No. 79.)
My Lord,

Tangier, August 20, 1883.

WITH reference to my despatch No. 78 of the 27th instant relative to the seizure of the property of the Soos and North African Company at Yekel-eb, I have the honour to transmit copy of a despatch I have received from Her Majesty's Consul at Mogador, enclosing a letter addressed to me by Mr. Andrews, agent of the Soos and North African Company, requesting him to inform the Moorish Government that the Company will hold them responsible for all losses, present and future, that they may incur by their action."

I have informed Mr. Payton that I must decline to take any action in this matter without instructions from Her Majesty's Government.

Although Mr. Payton's despatch is dated the 15th ultimo, it only reached me yesterday, the Mogador mail bag having been carried in by mistake to Marsaies, and thence returned to Mogador.

I have, &c.
(Signed) HORACE P. WHITE.

Inclosure 1 in No. 108.

Consul Payton to Sir J. Drummond Hay.

Sir,

Mogador, July 20, 1883.

WITH reference to my letter of 13th instant, reporting the seizure in Ait Ba Aham of two native employees of the Soos and North African Company, I have now the honour, in conformity with your instructions in letter of the 6th June, to transmit a written application which has been made to me by the master of the vessel, the agent of that Company.

I have already informed Mr. Andrews of the reasons which preclude my interfering on behalf of the men in question, and he has further told him that I am unable to comply with his request in making such a communication as he desires to the Moorish Government, but that I have forwarded his application (retaining a copy) to you.

I have, &c.
(Signed) CHAS. A. PAYTON.

Inclosure 2 in No. 108.

Mr. Andrews to Consul Payton.

Sir,

The House, Binnet Said, Mogador, July 10, 1883.

I BEG to call your attention to the seizure of the Moorish soldiers of name by the Sultan's soldiers, at present in the "Ait Barnata" (the Moorish position) were sent to collect debts contracted by the prominent Cheiks in that country with the Soos and North African Trading Company (Limited), and I have to ask you as Agent for above Company, to inform the Moorish Government that "we shall hold them responsible for all losses, present and future, that we may incur by their action."

I remain, &c.
Pro Soos and North African Trading Company (Limited),
(Signed) W. C. ANDREWS.

No. 109.

Earl Granville to Mr. Plunkett.

(No. 84B.)

Sir,

Foreign Office, September 5, 1883.

I TRANSMIT to you herewith a copy of a despatch from Her Majesty's Consul at Mogador, enclosing a copy of a paper drawn up by the

* N. 108.

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Representatives on the Board of Control of the Tunis Finance Commission, in reference to certain negotiations which are reported to be proceeding at Paris with the object of establishing a new financial régime in Tunis.

In your despatch No. 107 of the 3rd ultimo, you inclose, extracted from the "Republique Française" the text of a "Projet de Loi" for the re-constitution of the Commission of the Tunisian Finance, which has been presented to the French Government, and in which, amongst other things, certain financial matters between the two countries; but as Her Majesty's Government have not yet received any information as to the details of any scheme which the French Government may have in view affecting the Financial Commission and the Tunisian Department, I have to request that you will endeavour to ascertain what are the views and intentions of the French Government in this matter, and how far any negotiations on this subject may have proceeded.

I am, &c.
(Signed) GRANVILLE.

No. 110.

Earl Granville to Mr. Reade.

(No. 14.)

Sir,

Foreign Office, September 5, 1883.

YOU are aware that the question of the abrogation of foreign Consular jurisdiction in Tunis, consequent upon the establishment of the French Tribunals by the Law of the 27th March last, is under the consideration of Her Majesty's Government.

Amongst the questions to be considered is that of placing the judicial jurisdiction of the French authorities in Tunis on a proper footing, and the adjustment of the various claims of British subjects against the Bey or the French authorities in Tunis.

I have accordingly to request that you will furnish me, as early as may be possible, with a Report showing what claims of this nature are now outstanding, with a short summary of the facts of each.

I am, &c.
(Signed) GRANVILLE.

No. 111.

Earl Granville to Mr. Reade.

(No. 15.)

Sir,

Foreign Office, September 5, 1883.

I HAVE received your despatch No. 40 of the 6th ultimo, inclosing copy of a paper which has been forwarded to you for transmission to the Department by the English Representatives of the Board of Control of the International Finance Commission of Tunis (a similar document, as you state, having reached your Italian colleague from the Italian Representatives of the same Board), in reference to certain negotiations which are stated to be progressing at Paris with the object of abolishing the Finance Commission.

I have to state to you that this matter is receiving the attention of Her Majesty's Government in communication with that of Italy.

I am, &c.
(Signed) GRANVILLE.

No. 112.

Earl Granville to M. Catalan.

M. le Chargé d'Affaires,

Foreign Office, September 5, 1883.

I HAVE the honour to acknowledge the receipt of the letter of M. le Chargé d'Affaires Court Negrat addressed to me on the 1st ultimo, stating that the Italian Government has received from the Italian Representatives of the Board of Control of the International Finance Commission of Tunis a Memorandum setting forth various questions relating to the Public Debt of Tunis with reference to the new financial régime which would appear that France contemplates establishing in Tunis in lieu of the existing

I have now the honour to state, in reply to Count Nigra's inquiries, that Her Majesty's Government have received a similar Memorandum from the British Controllers upon the same subject, but that Her Majesty's Government are not in possession of any information as to the new financial régime which it is said that the French Government propose to institute.

The French Treaty of the 12th May, 1881, by Article VII, guarantees the rights of the creditors of Tunis, and Her Majesty's Government have no reason to believe that any scheme will be proposed which will prove detrimental to the interests of the holders of Tunisian obligations, but they have always maintained their right to intervene for the protection of the Tunisian creditors, on the ground of the international agreement between the Governments of Great Britain, France, and Italy, in pursuance of which the Bey's Decree of the 5th July, 1869, establishing the Financial Commission, was issued.

It appears to Her Majesty's Government that it would be premature to consider the question until the French proposals are known, and Her Majesty's Representative at Paris has been instructed to endeavour to ascertain the general nature of the scheme in contemplation.

I have, &c.
(Signed) GRANVILLE.

No. 113.

Mr. White to Earl Granville.—(Received September 6.)

(No. 80)

My Lord,

Tangier, August 30, 1883.

WITH reference to my despatch No. 76 of the 10th instant, I have the honour to acquaint your Lordship that Caid Sassi, the Governor of Rabat, has on the 29th inst. returned from Algiers, where the Italian vessel "Agos" was on board, which had been sent to the aid of the Italian vessel.

The Caid presented himself this morning at the Italian Legation, where, in the presence of the Admiral and some of the officers of the squadron, he expressed to the Italian Minister his regret that his conduct should have given cause for dissatisfaction, and asked pardon.

Cid Mohammed Bargaash informed me that he has reason to expect that an amicable arrangement of the other demands put forward by Signor Scovasso will be effected. In the meantime the Italian squadron remains in the Bay of Tangier.

I have, &c.
(Signed) HORACE P. WHITE.

No. 114.

Mr. Preston to Mr. Stareley.—(Received September 6.)

Sir,

21, Delahay Street, Westminster, September 6, 1883.

I HAVE seen Sir Julian Pauncefote, and arranged with him to return all Foreign Office papers under consideration by the late Sir Francis Reilly. Sir Julian mentioned that "Tunis" was the only matter of immediate importance, so I have searched up and return the papers. Kindly sign and return the inclosed list by the bearer.

I have, &c.
(Signed) EDWARD PRESTON,
Clerk to the late Sir Francis Reilly.

No. 115.

Sir J. Drummond Hay to Mr. Currie.—(Received September 8, 3:30 P.M.)

(Telegraphic.)

Ponemuck, N.B., September 8, 1883, 2:30 P.M.

JUST arrived from Continent.

Concur with White's opinion that Moorish Government be advised to treat Italian claim on same footing as English and French claims.

* These papers were inclosed in Foreign Office letter of July 13, 1883.

No. 116.

Mr. White to Earl Granville.—(Received September 13.)

(No. 81. Confidential.)

My Lord,

Tangier, September 6, 1883.

WITH reference to my despatch No. 80 of the 30th ultimo, I have the honour to inform your Lordship that the differences which have existed between the Italian and Moorish Governments have been finally arranged, and the Italian squadron, which had been lying in this bay for forty-two days, sailed this morning for Gibraltar, under a salute from the town batteries, which was returned by the iron-clad "Palestro."

Cid Mohammed Bargaash called on me this morning shortly after the departure of the squadron, and after receiving congratulations on the termination of these differences, his Excellency stated that he had been very much pleased to see the Italian Admiral, Senatore, whom he spoke in the kindest terms, and who, in great measure, to his regret, just, and straightforward character, was a success in all his undertakings.

Cid Mohammed Bargaash also mentioned that the Italian matters had been arranged on a very menacing aspect, the Italian Minister having threatened that Rabat would be bombarded if his demands were not acceded to. This occurred after an instruction had been given by the Caid of Rabat.

These demands, however, appear to have been subsequently considerably modified. As originally put forward in the ultimatum of the Italian Minister the demands embraced the dismissal of the Governor of Rabat; the payment by the Moorish Government of a sum of money, to about 130,000 dollars for private debts due by Moorish subjects to Italians and to natives under Italian protection, and the payment of 1,000 dollars as an indemnity to an Italian subject by a Caid of the Interior, who was also required to proceed to Daralaida to make an apology at the Italian Vice-Consulate.

The arrangement that has been accepted is an apology from the Governor of Rabat who retains his post; the debts, reduced to 70,000 dollars, to be paid, not by the Moorish Government, but by the debtors, if solvent, within a fixed term, an apology from the Caid of the Interior, without payment of any indemnity.

The demand, put forward in writing at the expiration of the twenty days from the presentation of the ultimatum, that the expenses of the Italian squadron should be paid by the Moorish Government, has been entirely dropped.

The firm attitude of the Moorish Government, who from the first stated their readiness to accede to every just demand, whilst refusing to yield to any unjust or unreasonable demand, evidently caused great surprise to the Italian Representative, as it did to the public generally.

There can, I think, be little doubt that the Italian Government felt itself placed in a false position by their Representative in Morocco, who had led them to believe that the Moorish Government had shown disrespect and want of good faith towards them, and that the mere presence of a squadron at Tangier would suffice to bring the Moorish Government to submission.

The Italian Admiral in his interviews with the Moorish Minister must have arrived at the conclusion that there was in reality little cause of complaint against the Government of the Sultan, and that the demonstration made in these waters was ridiculously disproportionate to the exigencies of the case, and he must have felt that it was necessary to extricate the Italian Government as soon as possible, and on the best terms that could be arranged, from the difficult position in which they had been placed.

The terms finally accepted, which differ so widely from the demands that had been put forward, prove, I think, the correctness of this view of the matter.

The Moorish Government is to be congratulated upon the satisfactory termination of this difficult question, but I fear that, so long as Italy is represented here by Signor Scovasso, fresh complications may at any time arise between the two Governments.

I have, &c.
(Signed) HORACE P. WHITE.

No. 117.

Mr. Reade to Earl Granville.—(Received September 14, 4:30 P.M.)

(No. 20)

(Telegraphic.)

Tunis, September 14, 1883, 11:30 A.M.

In order to carry out thoroughly your Lordship's instructions regarding a full Report on the differences, it will be necessary for me to visit the different coast towns where

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heavy pending cases exist in order to personally investigate the same. As communication is difficult owing to quarantine arrangements, I venture to suggest that a small ship of war be permitted to convey me to the place (if which I) propose to visit.

No. 118.

Mr. Lister to the Secretary to the Admiralty.

(Confidential.)

Sir,

Foreign Office, September 15, 1883.

I AM directed by Earl Granville to request that you will state to the Lords Commissioners of the Admiralty that Her Majesty's Agent and Consul-General in Tunis has recently been instructed to furnish, with as little delay as possible, a Report upon all outstanding claims of British subjects against the Bey or the French authorities in Tunis, and that Mr. Reade, in reply, has telegraphed that it will be necessary for him to visit the different coast towns where pending cases exist, in order to investigate them personally.

As communication is difficult owing to quarantine arrangements, he suggests that a small man-of-war should be permitted to convey him to the places which he proposes to visit.

For reasons connected with the proposed abrogation of foreign Consular jurisdiction in Tunis, it is much to be desired that Mr. Reade's Report respecting the British claims should be completed as soon as possible, and I am consequently to inquire whether the Lords Commissioners of the Admiralty could, without much inconvenience, detach a small vessel for the service in question.

I am, &c.
(Signed) T. V. LISTER.

No. 119.

The Secretary to the Admiralty to Lord E. Fitzmaurice.—(Received September 18.)

THE Secretary to the Admiralty presents his compliments to the Under-Secretary of State for Foreign Affairs, and begs to acquaint him that Her Majesty's ship "Coquette" has been ordered to be placed at the disposal of Her Majesty's Agent and Consul-General at Tunis, with reference to Foreign Office letter of the 15th instant.

Admiralty, September 17, 1883.

No. 120.

Mr. Plunkett to Earl Granville.—(Received September 19.)

(No. 630.)

My Lord,

Paris, September 18, 1883.

WITH reference to Lord Lyons' despatch No. 416 of the 5th July, and to your Lordship's despatch No. 635 of the 27th June, I have the honour to inclose herewith a copy of the answer which I have received from the French Government respecting the forcible invasion by French citizens of a piece of ground at Tunis belonging to the British-protected subject, General Sid Hamida Benayad, although it was at the time in the custody of a watchman placed there by Her Majesty's Consulate General.

Your Lordship will see that Baron d'Estournelles does not admit the official character of the watchman; he states that a verbal arrangement was come to last year by which the custody of the piece of ground, during the discussion before the Tribunal, was entrusted to two men, named respectively by each of the two parties, but the persons so appointed were not nominees of the Consulates. Both the English and the French Consulates had confined their action to recommending the parties interested to agree to this arrangement.

For some time the two watchmen took charge of the ground by turns, then the French watchman ceased coming; when M. Maréchal wished to claim his rights he had no proof to bring of the arrangement come to with regard to the watchmen, and, in order not to compromise his case, he thought the best course was to take possession himself of the ground.

Baron d'Estournelles does not defend such action on his part; he will invite M. Maréchal to give up the piece of ground pending the trial, on condition that the two watchmen are put back; but he states that Her Majesty's Consul-General will not agree to this course, and adds that General Benayad applied to the "Procureur de la République" to prosecute M. Maréchal. But the Criminal Court not being competent in a case of this kind, the General's only course is to bring a civil action.

The note concludes by hoping that your Lordship will see that there has been no denial of justice in this affair, nor has any insult been offered to any employé of the British Consulate General, such a character, it argues, cannot be claimed by the watchman placed on the ground by a private individual.

I have, &c.
(Signed) F. R. PLUNKETT.

Inclosure in No. 120.

M. Jules Ferry to Mr. Plunkett

M. le Ministre

Paris, le 17 Septembre, 1883.

PAR une communication du 3 Juillet dernier, M. l'Ambassadeur de la Grande-Bretagne à Paris avait entretenu M. Challengel-Lacour d'un incident qui avait eu lieu à Tunis, à propos d'un terrain situé dans cette ville, et dont le Général Ben-Aïad, protégé par M. Maréchal, de nationalité Française, se disputait la propriété. L'honneur de porter aujourd'hui à votre connaissance les informations qui ont été transmises par M. le Baron d'Estournelles, chargé par mon Département d'ouvrir une enquête sur cette affaire.

Il avait été convenu verbalement l'année dernière que la garde du terrain contesté serait, pendant la durée du procès, confiée non pas à une personne désignée par le Consul d'Angleterre, mais à deux gardiens choisis par les parties elles-mêmes, le Consul de Sa Majesté Britannique et celui du Consul de France s'étant bornés à conseiller aux intéressés de prendre cet arrangement. Pendant un certain temps les deux gardiens vinrent à tour de rôle, puis le gardien Français a cessé de paraître, et lorsque M. Maréchal voulut réclamer, ne pouvant apporter les preuves de l'arrangement intervenu, il crut devoir, pour ne pas laisser compromettre ses droits, se remettre lui-même en possession du terrain contesté. Le gardien nommé par le Général Ben-Aïad protesta et fut chassé par les ouvriers amenés par M. Maréchal.

Le Consul de Sa Majesté Britannique se rendit alors auprès du Délégué à la Résidence Française pour demander que le surveillant Anglais fut rétabli, sans faire mention, d'ailleurs, de mauvais traitements infligés à un employé de son Consulat. Le Baron d'Estournelles n'a pas hésité à reconnaître ce qu'il y avait d'incorrect dans la façon d'agir de M. Maréchal, qu'il avait déjà blâmé directement. Il proposa d'engager ce dernier à évacuer le terrain jusqu'au règlement du procès sur le fond, en y rejoignant les deux surveillants. Mr. Reade ne crut pas devoir souscrire à cette combinaison, et le Général Ben-Aïad s'adressa au Procureur de la République pour demander que les poursuites fussent intentées contre M. Maréchal. Mais, sur l'avis que les motifs de la plainte, reconnus qu'ils ne constituaient pas un délit, ne pouvaient provoquer un procès correctionnel; le fait d'avoir porté atteinte à la propriété ne constituant pas même alors ne pouvant être considéré comme une violation de la loi. Le Tribunal Correctionnel n'ayant pas été saisi, on ne peut dire qu'il y ait eu un procès. La seule voie qui s'ouvrit alors et qui s'ouvre encore à l'heure actuelle au Général Ben-Aïad est d'intenter un procès civil devant la juridiction compétente.

Ces explications, l'ayant été, je prie de vous en faire part au Gouvernement de Sa Majesté Britannique, afin qu'il soit en mesure de répondre à la demande de M. le Consul d'Angleterre, et de lui faire connaître que le Gouvernement Français ne saurait admettre que le Consul d'Angleterre ait le droit de recommander à un particulier de prendre possession d'un terrain appartenant à un autre particulier, et que, si le Consul d'Angleterre a le droit de recommander à un particulier de prendre possession d'un terrain appartenant à un autre particulier, le Consul de France a le droit de recommander à un particulier de prendre possession d'un terrain appartenant à un autre particulier.

Agréez, &c.
(Signé) JULES FERRY.

Mr. Plunkett to Earl Granville.—(Received September 19.)

(No. 931.)
My Lord,

Paris, September 18, 1883.

IN your Lordship's despatch No. 849 of the 5th, which reached me on the 13th instant, you instruct me to endeavour to ascertain what are the views and intentions of the French Government as to the details of any scheme which may have been proposed by the Tunis Finance Commission and its relations with the Tunisian Departments, and your Lordship refers to my despatch No. 497 of the 3rd ultimo as containing the best information which had reached you on this subject.

In my despatch No. 500 of the 7th ultimo I had the honour to inclose the "Projet de Loi" and the "Exposé des Motifs" submitted to the Chamber of Deputies relative to the ratification of the Convention signed between the French Minister and the Bey of Tunis on the 8th June last.

The "Exposé" at pp. 3-5 contains the only details with reference to the proposed action of the French Government in regard to Tunisian finance which have hitherto been published.

Your Lordship will have seen that the proposal is that the Bey should be authorized to raise, under the sole guarantee of France, a loan with which His Highness is to pay off both the funded and the floating debt, which is administered by the International Commission.

A month has passed since that no further action had as yet been taken in this matter. I happened to be in Paris accidentally this afternoon of the 14th, and was able to ascertain the intentions of the French Government, or whether it had taken any decided negotiations on the subject with foreign Governments.

M. Bilot, who expressed some surprise at the question, said nothing had yet been done except to submit the Convention to the Chambers.

If the Chambers approved, as he hoped they would, the Bey would then be able to raise a fresh loan, with which he would pay off all his present creditors. The International Commission would then cease to exist *ipso facto*, in consequence of the payment of all the debts which it was created to control, and therefore no special arrangements with foreign Powers would be required.

I contented myself with saying I had no instructions to discuss the matter but I doubted either the bondholders or all foreign Governments agreeing to this view of the question.

M. Bilot again expressed surprise at anybody refusing to admit the right of the Bey to get rid of his creditors by paying them off in full.

I said I believed the bondholders consider these debts are repayable "par voie de rachat" and not merely "par voie de remboursement," as the French Government now seem to propose.

M. Bilot would not admit that this made any difference in the right of the Bey to free himself of his creditors by the full payment of all his debts.

I thought it best not to invite further discussion, and, merely intimating dissent from his views, I turned the conversation to other subjects.

I have, &c.
(Signed) F. R. PLUNKETT.

No. 122.

Count Nigra to Earl Granville.—(Received September 19.)

(Translation.)
My Lord,

London, 35, Queen's Gate, September 17, 1883.

HER Majesty's Government has doubtless had its attention drawn to the French project for reorganizing the present financial régime of Tunis, in which the International Financial Commission established in 1869 played an important part.

That Commission (on which Italian and English members sat conjointly with the French) rendered important services, and was equal to its task. In the midst of grave difficulties it succeeded in improving and maintaining the credit of Tunis, and saving the foreign creditors from the loss of their investments.

On the other hand, it is questionable whether the French project (considered not under its political, but solely under its financial aspect) be really necessary for the improvement of the Tunisian finances.

The question is one which interests the Italian no less than the British Government. I am therefore instructed to request your Excellency to be so good as to inform me what are the views of Her Majesty's Government on this matter as soon as the necessary consideration of the subject shall have put them in a position to form an opinion.

The Italian Government would be especially glad to be informed of the views of Her Majesty's Government on the following points:—

1. Whether Italy and England who co-operated in the establishment of the Tunis Financial Commission, have the right to oppose the measures which the Bey might be ready to take in conformity to the "Projet de Loi" submitted to the French Chamber.

2. Whether, supposing it be recognized that that right does exist, it be for the interest of Italy and England to avail themselves of it, whether, but as it would be advisable for Italy and England to refuse their consent to the carrying into effect of the said French "Projet de Loi," or whether it would be advisable for them to grant their consent either unconditionally or subject to certain conditions, as, for instance, the prolongation of the guarantee of the French Government of the Tunisian debt, the continuation at present in vigour between Tunis on the one side and Italy and England on the other side; the eventual return after the redemption of the Tunisian debt to the 3 per cent Customs régime; the admission of Italian and English employés to the new organization.

I have, &c.
(Signed) NIGRA

No. 123

Earl Granville to Mr. Fraser

(No. 206. Confidential)
Sir,

Foreign Office, September 10, 1883.

I HAVE to request that you will inform the Italian Government, very confidentially, that there are certain outstanding claims of British subjects against the French Government, respecting which the two Governments have hitherto been unable to come to an understanding, and that, in view of the attitude which the French Government have assumed with regard to them, Her Majesty's Government propose to defer the waiving of their rights of Consular jurisdiction in Tunis in civil and criminal matters until these claims have been satisfactorily disposed of by arbitration.

I am, &c.
(Signed) GRANVILLE.

No. 124.

Earl Granville to Mr. Plunkett

(No. 809. Very Confidential.)
Sir,

Foreign Office, September 10, 1883.

I TRANSMIT to you herewith, for your confidential information, a copy of a despatch which I have addressed to Her Majesty's Charge d'Affaires at Rome desiring him to inform the Italian Government, very confidentially, of the manner in which Her Majesty's Government propose to deal with the question of the claims of British subjects in Tunis against the French Government.† Mr. Reade, Her Majesty's Agent and Consul-General, is preparing a full Report upon the subject of these claims.

I am, &c.
(Signed) GRANVILLE.

No. 125.

Earl Granville to Mr. Plunkett

(No. 902.)
Sir,

Foreign Office, September 10, 1883.

I TRANSMIT to you herewith two despatches from Her Majesty's Agent and Consul-General at Tunis upon the subject of the long-pending claims of General Sir Hamida Ben Aïssa against the French Government.

† Upon this point, see Sir E. Herbert's Memorandum of December 7, 1882.

‡ See Part IV, No. 124*, and ante, No. 107
2 C

In Mr. Reade's despatch No. 45 you will find copy of a letter from the French Chargé d'Affaires in Tunis, declining, on behalf of the Tunisian Government, to entertain them.

I have to request that you will intimate to the French Government that Her Majesty's Government cannot accept this summary rejection of General Ben Ayad's claims.

It appears to them that this is a proper case to be settled by arbitration, and Her Majesty's Government are willing that it should be so disposed of.

They can see no reasonable ground for objecting to this course, and they would be glad to learn that the French Government are ready to agree to it.

I am, &c.
(Signed) GRANVILLE.

No. 126.

Mr. Currie to Mr. Broadley.

Sir,
Foreign Office, September 19, 1883.
I AM directed by Earl Granville to acknowledge the receipt of your letter of the 24th ultimo, upon the subject of the claim of Mr M de J. Levy against the French Government on account of the occupation by the French military authorities of some property belonging to him at Gabes; and, in reply, I am to assure you that this claim will not be lost sight of by Her Majesty's Government.

I am, &c.
(Signed) P. CURRIE.

No. 127.

Mr. White to Earl Granville. (Received September 20.)

(No. 82)
My Lord,
Tangier, September 12, 1883.
WITH reference to my despatch No. 74 of the 13th ultimo, reporting the movements of the Hispano-Moorish Commission sent to determine the site of Santa Cruz de Mar Pequena, I have the honour to transmit herewith extracts from a further letter I have received from Her Majesty's Consul at Mogador on this subject.

I have, &c.
(Signed) HORACE P. WHITE.

Inclosure in No. 127.

Consul Payton to Mr. White.

(Extract)
Mogador, September 7, 1883.
I HAVE now to report that the aviso "Ligera," which arrived here on the 1st instant from the south, brought back the Spanish Consul and Spanish and Moorish Commissioners, except, I believe, the Spanish engineer, Don Juan de Leon y Castillo, who remained, it is said, at Assaka, he being commissioned by his Shereefian Majesty to look out for a suitable place for His Shereefian Majesty to open a port, and Moulai Hamed Sonciri, who is reported to have joined Hadj Abderrahman and Cid Mohammed Sagher.

These officials, who were accompanied by an interpreter, will, it is supposed, meet Señor Leon y Castillo, and join him in his survey.

I hear that the Spanish Commissioners proceeded by sea as far south as Cape Juby, where they visited Mackenzie's factory, Mackenzie being absent, and appear to have been impressed with the appearance of the place—good solid buildings, six little cannon and a fine armoury of small arms, but not much show of trade.

It is reported that they were pleased with the fertility of the Soos country from Agadir to Messah, but below Messah consider it a mere desert, very poor, and very sparsely inhabited.

They were said to be three days off Erksheesh, where the landing is by no means so good as was stated by Mr. Curtis.

... Señor Lozano* that the Kaid of Shouya and other Chiefs down there said that if it is known that the Sultan means to open a port, they will respect his authority, and not receive any unauthorized Christians.

Further, that the only really good anchorages are those at Agadir and Cape Juby. The "Ligera" was present at the anchorage at Mogador, but without our prevalent northerly wind. He said that they were everywhere very well received and fitted.

Moorish reports, very vague as usual about the locality, say that far down south the Spaniards were not very well received, that in many places there were crowds of natives to oppose their landing, that in one place the Arabs aimed their guns at them, and on being remonstrated with by Kaid Dachman, who said the strangers were sent by the Sultan, said, "What do we care for the Sultan?" Also, that the Spaniards took note of five places, but did not like any of them, especially Cansado.

The "Ligera," with some of the Commissioners, sailed on the 2nd instant for the Canaries; Señor Jandenea, military engineer, remaining here. I understand that Señor Lozano is going up to Tangier by "Les Voges," and probably going on some months' leave. Probably Señor Jandenea will accompany him.

No. 128.

Earl Granville to Mr. Plunkett.

(No. 918.)

Sir,
Foreign Office, September 22, 1883.
IN my despatch No. 716 of the 23rd July last, which expresses my approval of Lord Lytton having deferred taking any action on my previous despatch No. 704 in regard to the case of the Moorish Governor Mangano, and in regard to the conduct of the French officer, in drawing his sword and wounding Mangano or to have and to express the hope that an inquiry would be instituted into that officer's conduct; and you were to add that the important question of jurisdiction raised in this case was engaging the careful attention of Her Majesty's Government, and would form the subject of further correspondence.

Since the date of my last despatch, Her Majesty's Government have, in consultation with the Law Officers of the Crown, after two consultations, after subjecting its various proposals, and I have now to make the following observations.

I respond to Mr. Byles's demand, that Mr. Plunkett should make a reply to Her Majesty's Consulate, the French authorities, as reported in my despatch No. 704 of the 11th July, and that the French Consul should be asked to explain attached to the French army constituted an officer committed in a foreign country against a person attached to an army occupying that country, and that consequently, according to international law, the offence was subject to the jurisdiction of the Military Tribunals of that army.

Her Majesty's Government are not prepared to dispute that, as a general rule of international law, an attack on an army of occupation, even although directed against its individual members, falls properly within the cognizance of the Military Tribunals of that army.

But in the present case the French Government have established a Protectorate over Tunis, intended to be of a permanent character, and the army is stationed there in support of their authority; a complete system of French jurisdiction has been established in the Regency, and foreign Governments have been invited to waive their Consular jurisdiction in favour of the new Civil Tribunals. Under these circumstances, Her Majesty's Government contend that the army has ceased to be an army of occupation in a foreign country within the ordinary sense of the term.

But apart from this, it appears to Her Majesty's Government that the army remains in occupation, after peace and order are restored, in a country where the natives enjoy the rights of extraterritoriality as at present in Tunis, the Military Tribunals are the only properly claim cognizance of offences by a foreigner against a member of the army of occupation, when the offence is an act of hostility to the member as such, namely, in his military capacity.

It is true that the military jurisdiction is claimed and exercised for the safety of the army, and that individual assaults upon its individual members may endanger its safety.

* Spanish Consul at Mogador.

But, in the opinion of Her Majesty's Government, the military jurisdiction cannot on any sound principle be extended to the case of an offence against an individual member of the army which does not constitute an act of hostility to the army, but arises out of some private quarrel or dispute.

On these grounds, Her Majesty's Government maintain that the claim of Her Majesty's Consul to exclusive jurisdiction in the case was not founded. The assault by Mangano was in no sense committed against the French officer in consequence of his being a soldier, but resulted from circumstances which would equally have affected a private person.

According to the evidence furnished to Her Majesty's Government, the conduct of that officer in drawing his sword and wounding Mangano was not such as to have been wholly unjustified and so the military jurisdiction was not applicable. It is, therefore, a case in which the Consul has jurisdiction. I have to request that you will, on behalf of Her Majesty's Government, renew the request of Her Majesty's Government, that an inquiry may be instituted into the conduct of the French officer.

You will at the same time point out that it is very desirable that this question of military jurisdiction should be placed on a satisfactory footing before any further action is taken by Her Majesty's Government with reference to the abandonment of their Consular jurisdiction.

I am, &c.
(Signed) GRANVILLE.

No. 129.

Earl Granville to Mr. Fraser.

(No. 214)
Sir,

Foreign Office, September 22, 1883.

WITH reference to my despatch No. 107 of the 13th August I have to inform you that Mr. Chénou, the French Consul at Tangier, has informed me that the differences between the Italian and Moorish Governments have been definitively settled.

In expressing to him my satisfaction that the differences between the two Governments have been settled, I said that in compliance with the wish expressed by his Government, I had been on the point of telegraphing to Her Majesty's Charge d'Affaires at Tangier, instructing him to advise the Moorish Government to treat Italian claims on the same footing as English and French claims.

I am, &c.
(Signed) GRANVILLE.

No. 130.

Earl Granville to Consul White.

(No. 42.)
Sir,

Foreign Office, September 22, 1883.

WITH reference to your despatches Nos. 78 and 79 of the 27th and 29th August respectively, I transmit to you herewith copy of a letter which I have addressed to the agents of the Socos and North African Company,* informing them that, in view of the warnings given to the Company, Her Majesty's Government must decline to interfere now that some of their property has been seized as contraband.

I am, &c.
(Signed) GRANVILLE.

No. 131.

Earl Granville to Count Nigra

Foreign Office, September 22, 1883.

M l'Ambassadeur,
I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 17th instant, requesting to be favoured with the views of Her Majesty's Government

* No. 132.

with reference to the proposed action of the French Government in regard to Tunisian finance and, in reply, I beg to assure you that the points on which you were particularly seek for information shall be carefully considered.

I have, &c.
(Signed) GRANVILLE.

No. 132.

Mr. Lister to Messrs. MacNaught, Pearce, and Middleton.

Gentlemen,

Foreign Office, September 22, 1883.

WITH reference to the letter from this Office of the 10th August, I am directed by Earl Granville to acquaint you that a Report has now been received from Mr. White, Her Majesty's Charge d'Affaires at Tangier, respecting the all-god plant at Erskesh of property belonging to the Socos and North African Trading Company.

It appears from a communication addressed to Mr. White by the Moorish Government, that the effects left by Mr. Curtis at Erskesh should be taken possession of by the Kad or local Governor by order of the Sultan as sent along an inventory copy of which has been forwarded to Mr. White. I beg to inform you that the Moorish subjects employed by Mr. Curtis have been ordered to go to prison at Morocco for being engaged in an illegal traffic.

I am to remind you that the Socos and North African Company have been repeatedly warned both by this Office and by the Sultan in the public press, that trading proceedings on the Socos coast are in contravention of the laws of Morocco, and that if the Company persist in carrying on their trade, they will be liable to arrest and penalty, and I beg to inform you that the Company were warned "that they must not expect protection from Her Majesty's Government in the event of any measure being taken by the Sultan to prevent illegal trading along the coast under agreements with native Chiefs, who have no authority to enter into them."

I am to state that Lord Granville must not let these circumstances lead to any action on your representations.

I am, &c.
(Signed) T. V. LISTER.

No. 133.

Earl Granville to Mr. Reade.

(No. 16.)
Sir,

Foreign Office, September 24, 1883.

I HAVE received your despatch No. 41 of the 7th ultimo enclosing a Petition addressed to you by Michele Pisani and other members of the Maltese community at Tunis, having for its object, first, to disclaim any connection with a recent protest by the wife of Giovanni Manca and others, against the acts of the French authorities, and especially their proceedings in connection with her husband's treatment; and second, to record the fact that the abrogation of foreign Consular jurisdiction in Tunis would, under the altered state of things, be favourably viewed by the petitioners.

You also inclose a copy,—and in your later despatch No. 43 the original,—of a letter to you signed by Mr. Pisani and others, explaining more fully their views, and at the same time recording their appreciation of your own services and those of your predecessors, with a view to the protection of their interests and those of the foreign community under British protection in Tunis.

I have now to observe, in reply to your remarks upon the documents in question, that I am of opinion that there is nothing objectionable either in the terms of the Memorial or of the letter addressed to you by Mr. Pisani and others, but that I regret, considering his official position, that he should have mixed himself up with any acts bearing upon subjects which are matters of negotiation with a foreign country, and without any previous communication with yourself as the Representative of Her Majesty's Government in Tunis.

I am, &c.
(Signed) GRANVILLE.

Earl Granville to Mr. Reade.

(No. 17.)

Sir,

Foreign Office, September 24, 1883.

I HAVE received your despatch No. 43 of the 21st ultimo, inclosing the original of Mr. Pisani's letter, of which, together with the Memorial to which it refers, the copy accompanied your despatch No. 41 of the 7th August.

In your present despatch you call attention to Mr. Pisani's name appearing, as a member of the Directing Committee and British Vice-Consul, on the tickets of a lottery which appears has been got up in that Regency in support of certain charitable establishments.

I have, however, to observe that I can see nothing seriously objectionable in Mr. Pisani being concerned in a lottery set on foot for a charitable object; and which probably does not offend against any law of Tunis.

I am, &c.
(Signed) GRANVILLE.

No. 135.

Earl Granville to Mr. Reade.

(No. 18.)

Sir,

Foreign Office, September 24, 1883.

UPON receipt of your despatches No. 31 of the 10th June and No. 32 of the 19th June, reporting the forcible invasion by French citizens of a piece of ground at Tunis claimed by General Sid Hamida Benayad, a British-protected subject, although it was at the time in charge of a watchman placed there by the British Consulate General, and your inability to obtain redress from the French authorities, I lost no time in instructing Her Majesty's Ambassador at Paris to make such representations to the French Government as the nature of the case seemed to demand.

I now inclose, for your information, a copy of the reply which has been received from the French Government, and I have to request that you will favour me with any observations you may have to make upon it.*

I am, &c.
(Signed) GRANVILLE.

No. 136.

Earl Granville to Consul White.

(No. 43.)

Sir,

Foreign Office, September 25, 1883.

WITH reference to your despatch No. 81 of the 6th instant, I transmit to you herewith, for your information, copy of a despatch which I have addressed to Her Majesty's Chargé d'Affaires at Rome on the subject of the settlement of the differences between the Italian and Moorish Governments.†

I am, &c.
(Signed) GRANVILLE.

No. 137.

Mr. Plunkett to Earl Granville.—(Received September 26.)

(No. 650.)

My Lord,

Paris, September 25, 1883.

WITH reference to your Lordship's despatch No. 918 of the 22nd instant, I have the honour to inclose a copy of the note which I have addressed to the French Government renewing the request that an inquiry be instituted into the conduct of the French officer who wounded Giovanni Mangano, and communicating to them the observations of Her Majesty's Government with regard to the question of jurisdiction involved.

I have also stated that Her Majesty's Government consider it very desirable that

* Inclosure in No. 120.

† No. 129.

this question of jurisdiction should be placed on a satisfactory footing before any further action is taken by them with reference to the abandonment of their Consular jurisdiction in Tunis.

I have, &c.
(Signed) F. R. PLUNKETT.

Inclosure in No. 137.

Mr. Plunkett to M. Jules Ferry

M. le Président du Conseil.

Paris, 25 septembre 1883.

I HAVE the honour to call your Excellency's attention to the note addressed by Lord Lyons to M. Claret-Lacour on the 21st July last, relative to the case of the British subject native of Malta, Giovanni Mangano, and to the Memorandum on the same subject which I had the honour of placing on the 25th July last in the hands of His Excellency, on which occasion M. Claret-Lacour was so good as to inform me that there was no wish on the part of France to avoid inquiry into the matter and that if such inquiry had not already been made steps should be taken to make one.

In consequence of the civil law furnished to Her Majesty's Government from which it appears that the French officer was not justified in wounding Mangano, and of the fact that the Maltese was liberated after having been a few days in custody, their not having sufficient evidence to institute a prosecution, I have, as a compromise with justice, as received from my Government, to renew the request that an inquiry may be instituted by the French Government into the conduct of their officer on this occasion.

At the same date I also informed M. Claret-Lacour, at the request of jurisdiction on this case was engaged by the fact of the attack on Her Majesty's Government, and I have the honour to inform you that I have now the honour to state to Her Majesty's Government that I have carefully considered the subject in its various bearings and I regret to find that the Government on this point.

I would remark that, in response to Mr. Claret-Lacour's statement that Mangano should be handed over to Her Majesty's Consulate, the French authorities entered for that the attack by the Maltese on a Captain attached to the French army was tried at the Court of the Maltese, and that the Government on this point.

Her Majesty's Government are not prepared to accept that as a general rule of international law an attack on an army of occupation, even although directed against its individual members, is a property which is the prerogative of the military tribunals of that army.

But in the present case, the French Government have established in Protectorate over Tunis intended to be of a permanent character, and the army sent there in support of their authority. A complete system of French occupation has been established in the Regency and foreign Governments have been invited to waive their Consular jurisdiction in favour of the new Civil Tribunal.

Under these circumstances, Her Majesty's Government cannot but feel that the army has ceased to be an army of occupation and is now a permanent force, and as such is of a permanent character. But apart from this it appears to Her Majesty's Government that where an army remains in occupation of a territory and exercises its authority in a country where foreigners enjoy the rights of citizenship, as at present in Tunis, the military tribunals cannot properly claim jurisdiction of offences committed by a member of the army of occupation against a foreigner, or a crime against a member of the army of occupation, in its military capacity.

Her Majesty's Government admit that military jurisdiction is claimed and exercised for the safety of the army, and that individual assaults upon its individual members may endanger its safety; but, in their opinion, the military jurisdiction cannot on any sound principle be extended to the case of an offence against an individual member of the army, which does not constitute an act of hostility to the army, but arises out of some private quarrel or dispute.

On these grounds, Her Majesty's Government desire me to state to your Excellency that they cannot but maintain that the claim of Her Majesty's Consul to exclusive jurisdiction in the case was well founded. They cannot consider that the assault by Mangano was in any sense committed against the French officer in consequence of his being a soldier; it was the result of circumstances which would equally have affected private persons.

I have also the honour to point out to your Excellency that Her Majesty's Government consider it very desirable that the question of military jurisdiction should be placed on a satisfactory footing before any further action is taken by Her Majesty's Government with reference to the abandonment of the Consular jurisdiction in Tunis.

I have, &c.
(Signed) F. R. PLUNKETT

No. 138

Earl Granville to Mr. Reade.

(No. 10. Confidential.)

Sir,

I TRANSMIT to you herewith, for your Lordship's copy of an instruction which I have addressed to Her Majesty's Minister at Paris on the subject of General Benayad's claims against the Tunisian Government.*

I am, &c.
(Signed) GRANVILLE

No. 139

Earl Granville to Mr. Plunkett.

(No. 941.)

Sir,

YOUR despatch No. 630 of the 25th instant has been received, and I have to state to you that I approve the note which, in conformity with my instructions, you addressed to the French Government on the 25th instant relative to the case of the British subject, Giovanni Mangano, and to the right of jurisdiction claimed by Her Majesty's Agent and Consul-General.

I am, &c.
(Signed) GRANVILLE

No. 140

Mr. Plunkett to Earl Granville.—(Received September 29.)

(No. 650.)

My Lord,

IN compliance with the instructions contained in your Lordship's despatch No. 202 of the 14th instant, I called the attention of M. Jules Ferry, when I saw him yesterday at his weekly reception yesterday, to the long-pending claim of the British subject, General Louis Hamida Benayad, against the Tunisian Government, and I handed to his Excellency's hands a copy of the instruction which I have addressed to the French Government on the 25th instant. I have to state to you that it was not possible for Her Majesty's Government to express any opinion on the subject of the instruction, as it was not possible for them to do so without having first ascertained the merits of the case, and I have to state to you that it was not possible for them to do so without having first ascertained the merits of the case.

I told the French Government that it was not possible for them to do so without having first ascertained the merits of the case, and I have to state to you that it was not possible for them to do so without having first ascertained the merits of the case.

I have to state to you that it was not possible for them to do so without having first ascertained the merits of the case, and I have to state to you that it was not possible for them to do so without having first ascertained the merits of the case.

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I have to state to you that it was not possible for them to do so without having first ascertained the merits of the case, and I have to state to you that it was not possible for them to do so without having first ascertained the merits of the case.

* No. 125

I replied that I regretted not being able to agree with him on this point. The question was one of long standing and of great importance to the claimant; it demanded an early solution and was not one which could be referred to a Court which had as yet no jurisdiction in the matter. It was clearly one suitable for settlement by arbitration, and I did not think your Lordship would agree to accept any other mode of solution.

M. Jules Ferry, who took some notes of what I said, promised to think the matter over, and to let me have an answer later.

I have, &c.
(Signed) F. R. PLUNKETT

No. 141

Mr. Fraser to Earl Granville.—(Received October 1.)

(No. 215. Confidential.)

My Lord,

Rome, September 25, 1883.

IN the absence of M. Mancini, who is living at Naples and has not yet returned, I have made to M. Peiroletti, who is living at Naples and has not yet returned, a copy of my letter to your Lordship of the 24th instant, and I have to state to you that it was not possible for me to do so without having first ascertained the merits of the case, and I have to state to you that it was not possible for me to do so without having first ascertained the merits of the case.

M. Peiroletti, who is living at Naples and has not yet returned, has made a copy of my letter to your Lordship of the 24th instant, and I have to state to you that it was not possible for me to do so without having first ascertained the merits of the case, and I have to state to you that it was not possible for me to do so without having first ascertained the merits of the case.

I have, &c.
(Signed) HUGH FRASER

No. 142

Consul Dupuis to Earl Granville.—(Received October 3.)

(No. 33.)

My Lord,

Tenerife, September 18, 1883.

WITH reference to the correspondence I have had the honour to address to your Lordship on the subject of the project of occupation by Spain of Santa Cruz de Mar Pequeña on the African coast, I have to state to you that I have to state to you that it was not possible for me to do so without having first ascertained the merits of the case, and I have to state to you that it was not possible for me to do so without having first ascertained the merits of the case.

M. Mancini, the local papers, in referring to the affair, say that not only must the Spanish Government afford a considerable sum of money and expense, but also that the project is not in the eyes of Europe, but that the Sultan of Morocco has every right of the best of the bargain.

The 'Luzera' has since returned to Spain, but I am unable to say whether the projected occupation has been definitely abandoned or not.

It may be of interest to your Lordship to know that Mr. Mackenzie, of the North-west African Company at Cap. Juby, has just visited Santa Cruz de Mar Pequeña and examined the place, and finds that it is a port that cannot be of the slightest good to Spain or any other country; that there is a bar right across the entrance which would prevent any vessel, or, indeed, a boat, from passing.

He says there is an old castle about 27 feet square and 8 feet high, and flat, judging from the appearance of the ruins, he would attach to it a much older date than the time of the Spanish possession. Not only, he further says, is the entrance to the port bad, but the port itself is full of sand-banks, many of them being dry at low water, and that the greatest portion is dry at all states of the tide.

I have, &c.
(Signed) J. HUTTON DUPUIS

[1445]

2 E

Memorandum communicated to Earl Granville by Count Nigra, October 3

JURISDICTION A TUNIS.

L'AMBASSADE d'Italie a Londres a fait connaître en son temps au Foreign Office la communication faite par le Général au Roi d'Italie au Gouvernement français relativement à la suspension de la médaille d'Or pour le Colonel Tosti.

L'ambassadeur d'Italie est chargé de donner la recte réponse à Lord Curzon, le titre de récipiendaire est-elle approprié à la situation de la France en cette circonstance ? L'ambassadeur d'Italie est chargé de donner la recte réponse à Lord Curzon, le titre de récipiendaire est-elle approprié à la situation de la France en cette circonstance ?

Le 1^{er} Octobre, 1843

Inclosure 1 in No. 143.

*Adre-ménuaire communicated by M. Monnier to the French Ambassador at Rome,
July 18, 1883.*

L'N Derraf de Son Altesse le Bey le Tunis, en date du 27 Djumadi el-Tani, 1300 (5 Mai, 1883), porte à la connaissance des Tribunaux de Tunis et de la France du 27 Mars, 1883, par l'Agence dans la Régence par Derraf Bechali du 10 Djumadi el-Tani, 1300 (18 Avril, 1883), pour être communiqué aux Tribunaux des Passagers, ainsi qu'il est raconté à faire cesser de fonctionner leurs Tribunaux Consulaires.

Son Excellence M. l'Ambassadeur de France, se référant aux pourparlers autorisés entre son pays et l'U.R.S.S. d'après les instructions de M. le Ministre des Affaires étrangères de la République, a insisté pour obtenir le consentement de la part du Gouvernement italien.

Le Cabinet de Rome n'avait pas tardé à s'occuper de cette question grave et délicate.

La colonie d'Alger en Tunisie méritée par le nombre de ses membres et par l'importance de ses intérêts, force la sollicitude du Gouvernement du Rot. C'est notre devoir de lui assurer les plus complètes garanties de sécurité et de bonne justice. Désirant atteindre ce but et témoigner en même temps, envers la France et son Gouvernement, de nos sentiments amicaux et de notre pleine confiance dans lequel aide de la magistrature Française, nous nous sommes des le 1^{er} jour de novembre, et par des lettres, en principe, à être dans les vœux du traité d'Alger. Nous nous étions seulement réservé d'attendre la formation d'un conseil municipal local pour intervenir, au cas de conclure notre adhésion aux lois, règlements des droits et des logiques intérêts de l'Algérie en Tunisie.

Nous sommes en effet allés nous mesurer à déclarer que le Gouvernement de Rome se dispose, à la reprise des travaux parlementaires, à reconnaître et à ratifier l'autorisation consentie au Tessin, à savoir la fin, en 1877, pour l'exportation, des suspensions de l'exercice de la juridiction Cantonale d'origine, des Capitulations, coutumes, et Traités en vigueur, et au transfert de cette juridiction aux Travaux autorisés par le Décret Royal du 5 Mai, 1883, dont les ligures se sont, à titre de l'exception en Italie, d'après l'Article 94 du Code de Procédure Civile. Il faut, cependant, bien croire que, pour maintenir en faveur des nationaux, Italiens et des autorités Comunes, en l'Union, les anciens loix, franchises, et autres garanties par les Capitulations, coutumes, et Conventions en vigueur en admettant seulement, ce qui concerne les simples particuliers, les restrictions nécessaires pour la libre exportation de la monnaie. Il est, en outre, bien certain que cette autorisation en matière juridique ne sera faite dans la mesure, envers les nationaux Italiens, étant de quelle serait également applicable aux nationaux de tous les autres pays.

Cependant, comme nous le savons que ces deux Gouvernements sont également désireux de maintenir et de resserrer leurs rapports amicaux et amis, préoccupant par conséquent de l'éventualité d'un exercice de l'autonomie, on pourra donner lieu, en Tunisie, des dissentiments, nous sommes qu'il nous

* L'Article 541 du Code de Commerce est en vigueur à la suite de l'accord intervenu entre l'Italie et la France par la Déclaration du 11 Septembre, 1920.

1. La Trêve Italienne du 8 septembre 1868, étant maintenant en vigueur, et son observation, de la part du Gouvernement du Roy étant garantie, la nouvelle magistrature territoriale de France, pour les Tribunaux du pays, applique, envers les nationaux Italiens, la législation française aux infractions commises par eux dans les territoires de l'Autriche-Venise. Mais de tout ce qui se rapporte personnellement aux personnes, de tout ce qui concerne les affaires réservées par le droit international public, la législation italienne est appliquée, et, en ce qui concerne les infractions de droit qui se seraient produites pendant la durée de la trêve, les lois italiennes.

2. Dans ces autres parcs, les trois Assises étrangères adjointes au Tribunal appartiennent pour les parcs à l'Etat, à l'Administration publique.

3. L'application de l'édit par les notaires Tébénouk paraît être assez fréquente, intervenant au moins par l'Assesseur local, qui, avec voix consultative, nous paraît également avantageux dans les affaires civiles et commerciales. Il y a lieu d'insister, à cet égard, d'autant plus qu'il paraît que les affaires contentieuses, et surtout desquelles les différences sont sensibles entre les deux législations :

4. Un dédoublement est nécessaire à l'égard de droit de gîte, les pièces communes prises en liquidité pas par par ce droit va être exercé au sein des Arrts rendus par les gouvernements.

5. Les avocats et avoués ("procuratori") exerçant actuellement leur profession auprès des Tribunaux Consulaires Italiens, ou l'un des autres, ont été autorisés à exercer auprès des nouveaux Tribunaux. Seul, bien entendu, les conditions de capacité requises, les avocats Italiens seront ceux qui ont aussi obtenu l'exercice de ces professions, ainsi qu'ils emploient le greffe et dorénavant dans les nouveaux Tribunaux.

b. Les protégés Italiens sont, en matière judiciaire, assimilés aux nationaux Italiens.

7. Les problèmes et conflits d'ordre judiciaire et administratif de la Région sont, en vertu de sa compétence, de l'Etat, ont expressément été attribués à l'Etat et sont à l'ordre de ces personnes, soit l'Etat, des résidents respectifs. Les citoyens sont les citoyens et ont des droits et obligations, en fin de compte, les parties de l'Etat et de l'Etat, ne peut pas empêcher l'exercice des jugements rendus, d'après la loi, par la justice administrative territoriale.

Inclosure 2 in No. 143.

Aide memoire communicated by the Ministre de l'Education to the Commissaire General,
 September 15, 1984

[illegible]

1. Le Traité du Barolo garantit le maintien des Conventions existantes entre la France et les Puissances étrangères. Il en résulte que le Traité du Barolo, conclu de 1852, a force de loi pour les Intérêts français, et les Intérêts des Puissances étrangères, à l'égard desquels il pourra être utilement invoqué pour faire cesser les dispositions qui n'ont pas tenu l'existence de la juridiction Consulaire Italienne.

Mission, consisting of Don Francisco Lozano Muñoz (Chairman of Council at Mogador), Don Pedro del Castillo Westerling (Commandant of Marine at the Island), an engineer and other scientific gentlemen and interpreters, together with a Commission of Moors and about forty soldiers, for the purpose of making a thorough examination of the place.

Starting from Tangier, they called at Mogador, thence to Agadir where they landed, and proceeded by land to the River Axakka but judging it unsafe to go farther, they re-embarked on board the "Lagera" and came to Port Cansado, where they remained at anchor two days.

Finding it impossible to land on account of the heavy surf (the sea at Cape Juby being at the time nearly calm), they, at the request of the Moors, are to prove to them that they were desirous of doing all they could to make a proper examination of the place, came on here, with the object of proceeding thither by land, although they themselves did not like the undertaking and were secretly resolved not to do it.

When Mr. R. saw went on board the "Lagera" he was informed of the object of their visit and was asked by the Consul in the presence of the Moors, if the journey were feasible, and if facilities for transport could be had, to which he replied that in view of conveyance would be difficult to obtain, and in courteous language informed them that if they landed it would be with their permission, and entirely on their own responsibility. The subject was not referred to afterwards except in a formal manner. It appears they were to meet Abd. Dahman (the Sultan's Secretary) at Port Cansado.

The next day (the 28th) the captain and several Spanish gentlemen visited the castle, and expressed a desire to see the factory, which was granted, and our boats placed at their service. The Consul and another gentleman stayed two nights at the castle, and expressed their gratitude for the kindness they had met with.

The "Lagera" weighed anchor at 9 o'clock this morning (29th) with the intention of trying Port Cansado once more, although they do not like the business at all; but it was necessary to show the Moors that they were desirous of making every effort. They brought some wool and sheep.

No. 146.

Earl Granville to Viscount Lyons.

(No. 982.)

My Lord,

Foreign Office, October 9, 1883.

I HAVE to request that your Excellency will convey to Mr. Plunkett my approval of the language which he held to M. Jules Ferry, the President of the Council, upon the subject of General Benayud's claim against the Tunisian Government, as reported in his despatch to me No. 659 of the 27th ultimo.

I am, &c.

(Signed) GRANVILLE.

No. 147

Sir J. Lee to Lord E. Fitzmaurice.—(Received October 10.)

My Lord,

Manchester, October 9, 1883.

I WROTE you on the 5th instant respecting the affairs of the North-west African Company of London and Cape Juby. I now enclose two papers for your information, one an account of a visit from Cape Juby to Port Cansado, the other on the discovery of the River Sagia-el-Hamra and the plains of Dourah. This country has been a sealed book for generations, no stranger has been allowed to land, and the maps possess up to this time give but an imperfect idea of the country. The discovery of the mouth of the river cannot be kept secret very long, it is for our Government to decide if any steps are to be taken in the way of occupying the position. The Spaniards, Germans, and the French are on the look-out for a station on this coast. My Company are I think, prepared to occupy the place if it be thought desirable, I think we are, however, entitled to some recognition, not openly for the present, but, in case of difficulty, an assurance of protection from the Government.

I must now leave the matter in the hands of your Lordship, and trust that the

interest you take in the extending of our commercial empire may induce you to give serious attention to the proposal I have laid before you.

Yours, &c.

(Signed) J. O. LEE.

P.S.—I enclose a translation of an article published in a Tangier paper.

J. O. L.

Inclosure 1 in No. 147.

Extract from a Report of a Visit of the Manager of the North-west African Company to Port Cansado (the St. Cruz de Mar Pequena of the Spaniards), August 13, 1883.

LEFT Cape Juby the 13th August, 1883. Three Europeans and thirty Moors. Travelled 20 miles north; halted 12 p.m.; thermometer 81°. Next day started at 5 a.m. Sighted Port Cansado 12 p.m.; thermometer 82°; halted, pitched tents near sea-beach; water brackish; surf tremendous.

Third day Manager started with two Europeans and seven Moors for the port; along sand-hills very dangerous; had to walk and lead camels for two hours; dangerous quick-sands. Cleared sand; came on settlement of Moorish fishermen. Rode on to the Great Sebkhah, or depression; had great difficulty in getting through; the camels sunk sometimes into deep mud, and we were tormented with thick clouds of mosquitos. The Great Sebkhah formed in ancient times part of the port, but is now a depressed plain covered with salt. The banks rise to the height of 100 feet. The port was reached about 12 p.m. The castle, which was erected on the sandy beach outside the port, seems to have been at one time a place of considerable strength; what remains now is the tower, 27 feet square, walls 6 feet thick, 5 feet above sea-level. The tower is loopholed for defence; the loopholes are now just above sea-level; the edifice is built of solid masonry, the stones having been brought from the other side the port, where some are now as if ready for shipment. With the exception of this tower, the whole fabric has sunk beneath the sand. The aspect of the place was of the wildest description. Sheikh Dahman, the Sultan's Secretary, and his cousin visited the port last year, and made observations and inquiries. The mouth of the port was visited; tremendous breakers broke right across the entrance; the sea broke a long way out, rendering impossible for a vessel or boat in ordinary weather to pass out or into the port without risk of total loss.

The silting seems to have been going on for ages past. No doubt at one time it was an important port.

It is 70 miles from the North-west African Company's station of Cape Juby, and they have no fear of any competition from this port.

Inclosure 2 in No. 147.

Extract from a Report of a Visit to the Sagia-el-Hamra and Dourah, by the Manager of the North-west African Company of Cape Juby, September 5, 1883.

THE Moors have often spoken of the Sagia-el-Hamra, but none of our people have hitherto been allowed to visit it. They said it was a splendid valley, stretching far into the interior, affording abundant supply of food and water for themselves and cattle. The failure of the Spaniards and Sultan's people to drive us English away from the cape has given the Moors confidence, and they are now disposed to place reliance in the Company and ask for advice and information how to utilize the natural advantages of their country. The expedition was taken under the protection of the tribes.

The expedition started on the 5th September, forty persons mounted on camels, four being our own people. They proceeded down the coast south for seven hours, halted, and pitched tents near the sea-beach. Our schooner had been ordered to sail down the coast and to keep the expedition in sight. The weather being good, a boat was sent on shore for orders.

Started 6th September at 6 a.m., halting at a little bay, where the schooner communicated. Started again at 11 a.m., and halted in the afternoon at a place called Tafroul. When halted for the night schooner communicated. Water good. Started for the mouth of Sagia-el-Hamra on the 7th; pitched tents at 12 p.m., distance about

[illegible]

September 8 Saw the schooner out at sea. After a few hours she landed a
box and supplied us with fish. I fed her back to the cap.

[illegible]

Mr. Moxley with Mr. Moore and his men with a rowing boat, passed through a narrow strait for entrance, and then they entered the anchorage bay of Douah, the east end of Douah was reached. They were amazed to find a mass of such strength in a small set of the Moxley. There were two masts standing apart as if it were at the end of a plan to guard and protect the entrance. They saw men standing on the deck of the ship in groups, to get a view of the gate of the castle, and a kind of a fortification, one of the masts at the entrance, and a project of a kind of a fortification. The company saw well was the castle was a kind of a square tower, which was a kind of a square tower, the four towers were out on the four corners of the tower. The castle was 10 feet square walls 20 feet, towers 40 feet, in good shape, together a group of

The chief wanted answers to the irrigation of

...and I who built the castles, they repudiated the rule of Azarkeon to whom they belonged. This war we only came to have Christian blood in our veins.

The country is said to be a good one for the raising of cattle and sheep. The soil is said to be very fertile, and the climate is said to be very healthy. The country is said to be a good one for the raising of cattle and sheep. The soil is said to be very fertile, and the climate is said to be very healthy. The country is said to be a good one for the raising of cattle and sheep. The soil is said to be very fertile, and the climate is said to be very healthy.

Inclosure 3 in No. 147

Accepted for publication May 17, 1967

(Transtal et al., 1998)

IN an angry and somewhat threatening manner comes one of our colleagues from Spain, commenting upon the conduct of the Cuban respect to the policy in which the ancient Spanish factory of Santa Cruz la Pequeña was situated.

We were faced with this important question: how not to let the good I refer for the king of the new world which are the science of our time published and have it for assembly of the establishment from those places, and therefore I got to correspond and with more motive for in favour bestowed upon us.

[illegible][illegible][illegible]

the effect of these various studies is shown in Table 1. The authors and translators of each of these studies have been contacted to determine the M₀ value used to calculate the Δ for each study and the Δ for each of the Δ points should be a reasonable estimate of the Δ for the entire study.

[illegible]

The Supreme Court in *United States v. Williams* will be asked whether a federal statute that punishes all possession of a firearm by a felon is unconstitutional because it punishes the possession of the firearm, rather than the possession of a dangerous weapon. The Court has previously held that a federal statute that punishes the possession of a firearm is constitutional.

[illegible]

The Governor has also directed Mr. Tolpin to prepare a report for the Governor's Commission on the State of the Economy and the Labor Market.

knowledge and liberty this old and apparently complicated question shall have ended well for the rights of Spain and for the commercial and political interests of the Sultan and his Kabilas, and for the noble and unceasing aspirations of the European nations, and to carry with their industry and riches, learning, well-being, and improvement to those savage tribes.

Is there in the meantime sufficient cause for these alarms and bitter censures against the Governments and Representatives of Spain and Morocco, which we pointed out at the commencement, and would not some of these appreciations be, at least, premature, seeing that one is still ignorant of the Sultan's reply and consequently of what attitude the Government of Madrid will adopt?

No. 148.

Earl Granville to Mr. Reade.

(No. 20. Confidential.)

Sir,

Foreign Office, October 10, 1883.

WITH reference to your despatch No. 45 of the 29th August, I transmit to you herewith, for your confidential information, copy of a despatch from Her Majesty's Minister at Paris* reporting the steps which, in obedience to instructions, he has taken with a view to obtain the consent of the French Government to the settlement by arbitration of General Sid Hamada Benayad's claims against the Tunisian Government.

I am, &c.
(Signed) GRANVILLE.

No. 149.

The Law Officers of the Crown and Dr. Deane to Earl Granville.—(Received October 11.)

My Lord,

Royal Courts of Justice, October 10, 1883.

WE were honoured with your Lordship's commands signified in Sir Julian Pauncefote's letter of the 4th September last, stating that, by direction of the Secretary of State, he transmitted to us the accompanying papers which related to the establishment of French Tribunals in Tunis, under the Law of the 27th March last, and to the question of the abrogation of foreign Consular jurisdiction in that Regency, which the French Government were desirous should be assented to by foreign Governments, in order that foreigners should henceforward be amenable to the new jurisdiction.

That at p. 38 of the printed correspondence we would find the note from the French Chargé d'Affaires at this Court, dated the 10th May last, inclosing the various Laws, Decrees, &c., establishing the new Tribunals, and requesting Her Majesty's Government to waive the British Consular jurisdiction in their favour.

That Her Majesty's Government having decided to withdraw the jurisdiction of their Consular representatives in the certain case at us to be determined, it was thought desirable to consult the late Sir Francis Reilly upon the subject, and a Memorandum from him, stating his views upon various points upon which he was requested to report, would be found at p. 48 of the print.

That on the 20th June last your Lordship intimated to the French Ambassador that, subject to certain reservations and to explanations or supplementary points on which further information was required by Her Majesty's Government they would take the proper measures to relieve Her Majesty's Consular officers in the Regency of their judicial functions as soon as the other foreign Governments represented in Tunis had signified their willingness to adopt a similar course (p. 51). That in the meantime the papers on the subject were submitted to M. Treitt, the Legal Adviser to Her Majesty's Embassy at Paris, whose Report was given at p. 56 of the print, being Inclosure in Lord Lyons' despatch No. 414 of the 3rd July.

That the reply of the French Government to the inquiries put to them, as above stated, would be found at p. 60, and appeared to your Lordship to be, on the whole, satisfactory.

That there were, however, two points which appeared to your Lordship to give rise to objection—

1. The absence of a right of challenging assessors.

* No. 140

2. The limitation of the right of foreign advocates to practise before the French Tribunals to those now practising there.

That as regarded the first point, Sir Julian Pauncefote was to refer us to the remarks of M. Treitt thereon; and as regarded the second point, Sir Julian was to observe that, in view of the large foreign community in Tunis, it would appear very desirable to press for the extension of that right to all duly qualified foreign advocates, under proper conditions and regulations.

That it further appeared to your Lordship that care must be taken to reserve every other right or privilege retained by any other nation, and notably by Italy, whose reservations, which were more extensive than those of Her Majesty's Government, would be found at p. 64.

That Sir Julian Pauncefote was to request that we would take the papers transmitted therewith into our consideration, and that we would favour your Lordship with our opinion as to whether the above reservations were desirable and sufficient, and with any general observations which we might have to offer on the general question.

In obedience to your Lordship's commands we have the honour to report—

That we think the above reservations are desirable, and that care should be taken to reserve every right or privilege retained by any other nation.

It will certainly be desirable to secure, if it be possible, that in the case of a trial of a British subject, one-half of the assessors should be British subjects, in conformity with the proposal made by Italy for the benefit of her subjects. But there would probably be considerable difficulty in France making this concession general to all nations, as it may be difficult to find a sufficient number of suitable assessors in the case of certain nationalities.

We have, &c.
(Signed) HENRY JAMES.
FARRER HERSCHELL.
J. PARKER DEANE.

No. 149*.

Messrs. McNaught, Pearse, and Middleton to Earl Granville.—(Received October 11.)

My Lord,

9, Crosby Square, London, October 10, 1883.

WE have the honour to address your Lordship upon the subject of your Lordship's letter of the 29th September last, having reference to the Bûn question.

Her Majesty's Chargé d'Affaires at the Moorish Court could confirm that the Sheikhs of Ait-Basman have for many years past been treated as perfectly independent Rulers of their districts, and have paid no tribute to the Sultan of Morocco, and were therefore at liberty to treat with foreign merchants; had the right to sell land, and that the purchased land became British property, British subjects residing thereon, and sundry goods and merchandize, British property, being warehoused upon it.

The plunder of our property, with the tacit or authorized consent, or by the express order, of the Moorish Government, was a most arbitrary and illegal proceeding, and we respectfully solicit your Lordship's strong recommendation to Her Majesty's Minister at the Court of the Sultan to urge the payment of the goods unjustly seized and the restoration to liberty of our servants unjustly arrested, the Madrid Convention distinctly stating (Article II) that no servant of a British subject can be arrested except in cases of murder or violence.

Our servants' duty was simply to collect moneys outstanding for goods sold, and they were arrested in the exercise of their duty.

Your Lordship's well-known activity in protecting British interests wherever they are jeopardized is a guarantee to us that we may be permitted to expect that the Moorish Government will be made to recognize the wrongs of our subjects in a most honourable manner, and that justice will be done to us, and our claim settled in an

We remain, &c.
(Signed) McNAUGHT, PEARSE, AND MIDDLETON,
Agents to the Sûs and North African Trading Company (Limited).

We remain, &c.
(Signed) **McNAUGHT, PEARSE, AND MIDDLETON,**
Agents to the Sulu and North African Trading Company (Limited)

No. 151.

My race in Her Majesty's ship "Coquette" last returned. The services of that vessel are no longer required by me.*

No. 152.

In making this announcement, and pending the completion of the work for which the above voyage was undertaken, I must beg to express my acknowledgments for the very courteous and effectual manner in which Commander Crowe and the officers under his command facilitated the objects of my mission.

I have, &c.
(Signed) THOS. F. READE.

No. 153

^a This vessel had been placed at Mr. Reade's disposal to facilitate his inquiries into, and drawing up a Memoir on, the various claims of British or protected subjects against the Tunisian Government.

commun accord ils autorisèrent leurs mandataires de stipuler en ma faveur la dite obligation. MM. Zahkaf et Sellami, pour être en règle, voulurent, avant de soussigner la dite obligation, conférer avec le Premier Ministre de Son Altesse le Bey, qui les autorisa verbalement à le faire. Alors ils se présentèrent chez moi, et me firent la suivante déclaration par écrit —

"Louange à Dieu !

"En ce jour du Seigneur le 26 du mois de Mabih-ettani (correspondant au 18 Mars, 1882) de l'année 1290, il a été convenu entre Mohamed Mahmoud Zahkaf et Ali Sellami, représentants de la Ville de Sfax d'une part, et d'autre part, l'honorable Avocat Pace, que si ce dernier pourrait obtenir du Gouvernement Français un Décret accordant à la dite ville aux premiers pour le paiement de la somme de 8,000,000 piastres Tunisiennes, nonobstant le fait que la guerre est le fait de la France et de la Tunisie, et que la dite ville ne peut acquiescer en payant le premier tiers pendant le courant d'Octobre de la présente année, le second tiers dans le courant du mois d'Octobre de l'année suivante, et le solde dans le courant du mois d'août de l'année suivante; à ces conditions les habitants de Sfax se reconnaissent devoir au susdit honorable Avocat Pace, et à titre de rémunération pour les services par lui rendus aux prédicts habitants, une somme de 62,500 piastres, que les habitants de Sfax lui paieront dix jours après la promulgation du dit Décret. D'autre part, M. l'Avocat Pace s'engage à négocier au nom de l'Administration, et à tous les habitants de Sfax ou sur de la susdite somme de 62,500 piastres, et à renoncer à tous droits sur cette somme dans le cas où il n'obtiendrait pas le Décret leur accordant la faculté d'effectuer en trois versements, et aux termes ci-dessus indiqués, le paiement du solde des impositions de guerre. Un double de la présente sera remis à chacun des deux parties pour servir comme de droit l'une vis-à-vis de l'autre.

"Ainsi fait et raté ci-dessus et affirmé.

(Signé)

"MOHAMED MAHMOUD, Notaire,

"HAJJ ALI MOHAMED SELLAMI"

Cette obligation repose donc toute entière sur la condition qui m'était imposée. Je dois encore ajouter que vers la fin du mois de Juillet 1882 le Général M. de D'Jellou, Gouverneur de Sfax et son représentant M. le Ministre de la Plume me rappela un soir chez lui à Tunis, et me dit que les Français avaient fait des démarches pour les habitants de Sfax — et me dit que le jour même j'avais écrit à la Ville de Sfax de m'envoyer un acte sur lequel j'avais écrit que j'avais écrit, au commencement du mois d'août 1882, M. le Ministre de la Plume — Sfax rapporta une traite de 25,000 piastres, signée par les principaux habitants de Sfax, et payable le 30 Septembre, 1882. Quant à l'acte sur lequel j'avais écrit, par suite d'un ordre émanant des autorités Françaises, cette traite ne fut point payée, ce qui me cause un préjudice considérable, car j'avais escompté la traite. Les susdits mandataires étaient autorisés par les habitants de la Ville de Sfax et par leurs autorités compétentes, car comme plus haut j'ai en l'honneur de vous le dire, la traite en question avait été envoyée au Général, Gouverneur de Sfax, qui du reste était présent chaque fois que MM. Zahkaf et Sellami venaient à mon bureau. Sur ces faits j'ai présenté dans le mois de Mars, année courante, à M. Cambon, une Petition exposant les faits et lui demandant le paiement de la traite.

Le 20 Juin, 1883, M. Cambon fit connaître à l'Agent Consulaire de Sa Majesté Britannique (qui m'a prêté son appui dans cette circonstance) que c'était au Gouvernement Tunisien d'examiner ma créance contre la Ville de Sfax, et que j'étais invité à lui présenter le mémoire de mes frais et honoraires résultant des services que j'ai rendus à la dite ville. Le 6 Août écoulé j'ai fait connaître, en réexposant les faits, qu'il n'y avait pas lieu de ma part à présenter une note de frais et honoraires, mais bien à réclamer purement et simplement l'exécution d'une Convention conclue entre les représentants de la Ville de Sfax et moi. En réponse à cette dernière le Gouvernement Tunisien m'a dit le courant du mois de Septembre écoulé, a décidé définitivement que la dite obligation était nulle, car une ville ne peut contracter aucune obligation envers qui que ce soit sans en être autorisée par le Gouvernement de Son Altesse le Bey.

Cette réponse me fut notifiée à ma grande surprise et me causa une déception avec les mandataires de la Ville de Sfax, ceux-ci étant en fait des agents de la France, j'ai déjà eu l'honneur de vous exposer. Je porte la souscription de M. le Général de Sa Majesté Britannique à Tunis, ce que le Gouvernement de Son Altesse le Bey m'avait communiqué. Il en fut vivement touché, mais il me dit ne pouvoir rien faire sans l'appui du Gouvernement de Sa Majesté Britannique.

Resumant, Milord, j'ai recours à votre Excellence, vous priant de faire valoir mes

droits, soit par un arbitrage, soit par le moyen que votre sagesse jugera plus à propos d'adopter dans cette circonstance.

Espérant que la même loi se sera prise par vous en considération, j'ai &c

(Signé)

Avocat ACHILLE PACE, LL.D.,

Sujet Anglois.

No 154.

Mr. Lister to Messrs. McNaught, Pearce, and Middleton.

Sir,

Foreign Office, October 18, 1883.

I AM directed by Earl Granville to acknowledge the receipt of your letters of the 16th and 17th instant, having reference to the seizure by the Moorish authorities in Suez of property belonging to the Suez and North African Trading Company, and to the imprisonment of some of their servants; and, in reply, I am to refer you to the letter from this Office of the 22nd ultimo and to state that Lord Granville is of the opinion that the reasons therein explained, he is unable to alter his decision not to interfere on behalf of the Company.

I am, &c.

(Signed) T. V. LISTER

No. 155.

Mr. Reade to Earl Granville.—(Received October 20, 8-30 P.M.)

(No. 22)

(Telegraphic)

Tunis, October 20, 1883, 4-50 P.M.

FRENCH military authorities yesterday forcibly occupied piece of ground belonging to General Benayal adjacent to the town of Mr. Maubak [?] as reported in my dispatch No. 32 of the 15th of last June, notwithstanding presence of watchmen placed there by this Consulate. Although encouraged by M. Cambon in the hope that this difficulty would be amicably arranged, I am disappointed. French sentry continues in possession. I respectfully suggest that French Government be asked to order withdrawal of soldier pending settlement of Maubak [?] case. My observations on Ferry communication enclosed in your Lordship's despatch No. 18 of the 21st September have been retained unavoidably. I confirm, however, all that is conveyed in the former Report No. 32.

No. 156.

Earl Granville to Sir J. Drummond Hay.

(No. 45)

Sir

Foreign Office, October 20, 1883.

I TRANSMIT to you herewith for your information, copies of letters from the Chairman of the North-west African Company reporting the operations of the Spanish and Moorish expedition to discover the site of the ruins of the city of Carthage, and the notes of exploring trips made from Cape July.

I am, &c.

(Signed) GRANVILLE.

No. 157.

Mr. Reade to Earl Granville.—(Received October 21.)

(No. 28.)

(Telegraphic)

Tunis, October 21, 1883.

SINCE transmission of my telegram No. 22 of yesterday French authorities have withdrawn sentry from Benayal's ground.

Earl Granville to Mr. Rade.

(No. 21.)

Sir,

Foreign Office, October 23, 1883.

I TRANSMIT to you herewith, in original to be returned to this Office, a letter from Mr. Achille Pace, who, as a protected British subject, claims the intervention of Her Majesty's Government in support of a claim which he advances against the town of Sfax for services rendered in connection with the postponement of the payment of the war indemnity imposed by the French upon that town.

I have to request that you will inform Mr. Pace that the case is not one which, in Lord Granville's opinion, justifies the intervention of Her Majesty's Government.

I am, &c.
(Signed) GRANVILLE

No. 150.

Viscount Lyons to Earl Granville.—(Received October 24.)

(No. 72.)

My Lord,

Paris, October 22, 1883.

WITH reference to your Lordship's despatch No. 941 of the 28th ultimo, and to previous correspondence respecting the case of the Maltese, Giovanni Mangano, who was wounded by a French officer at Tunis, I have the honour to transmit to your Lordship copies of a note and inclosure on the subject which I have received from M. Challemei-Lacour.

With regard to the request of Her Majesty's Government, that an inquiry might be instituted into the conduct of the officer, it is stated in the note that an inquiry was, in fact, instituted at the time, and that if the result of it was not communicated to Her Majesty's Government, this arose from the belief that the release of Mangano had put an end to the question. The inclosure in the present note is a copy of a Report, dated on the day following the occurrence.

It is still positively maintained that the case came properly under French military jurisdiction.

I have, &c.
(Signed) LYONS

Inclosure 1 in No. 150.

M. Challemei-Lacour to Viscount Lyons.

M. l'Ambassadeur,

Paris, le 19 Octobre, 1883.

PAR une communication du 25 Septembre dernier, Mr Plunkett a rappelé à notre attention l'affaire du Maltais Mangano, en insistant sur la demande d'enquête qu'il avait présentée au mois de Juillet. En même temps, M. le Ministre d'Angleterre a exposé les motifs sur lesquels le Gouvernement de Sa Majesté Britannique croit pouvoir s'appuyer pour soutenir que notre armée d'occupation n'est pas compétente pour juger une infraction de la nature de celle qui a été imputée au Sieur Mangano.

A la suite de l'incident du 8 Juillet, l'autorité Française compétente n'avait pas eu le temps de faire procéder à une enquête. Si les résultats n'en ont pas été communiqués plus tôt à votre Excellence, c'est qu'on avait cru pouvoir regarder cette affaire comme définitivement close par la mesure d'indulgence qui était intervenue en faveur du coupable. Il est donc tout naturel que vous trouviez ci-joint copie d'un rapport qui constate que le Capitaine Nicolas n'a pas frappé le Sieur Mangano à la tête d'un coup de plat ne sabre qu'au moment où il était en train de fuir. L'officier Français se trouvait donc en état de légitime défense. Dans la scène provoquée par les violences de Mangano, le Capitaine Nicolas, venu du Capitaine Nicolas, tenu pour un officier distingué, dont le caractère est apprécié de tous à Tunis et ne doit pas être ignoré de M. le Consul-Général d'Angleterre à Tunis. Quant au Sieur Mangano, il a été mis, le jour même, à la disposition de l'autorité militaire; mais après une première instruction, le Général Commandant la Division a pensé qu'il pourrait user du droit qu'il tenait de l'Article 94 du Code de Justice

• No. 153.

Militaire, en arrêtant la poursuite par un refus d'informer. Cette mesure bienveillante terminait le procès dans les conditions les plus favorables au prévenu.

En ce qui touche la question de compétence, le Gouvernement de Sa Majesté Britannique est d'accord avec nous pour reconnaître que d'après les principes du droit international, une attaque contre une armée d'occupation ou contre des membres de cette armée relève des Tribunaux Militaires. Mais il est une question à laquelle on ne peut pas échapper, c'est que la raison même du protectorat cesse d'être une armée d'occupation dans le cas où, par un acte étranger, la connaissance d'une infraction commise par un étranger contre un membre de l'armée lorsqu'elle est en campagne, est la suite d'un acte personnel et qu'elle ne peut être considérée comme un acte commis contre l'armée elle-même ou contre un de ses membres en qualité de militaire. Sans doute l'ordre est au premier chef et la sécurité des intérêts étrangers assurée dans la Régence, cependant il est évident que les armées françaises ne sont pas destinées à protéger les intérêts des étrangers, mais à assurer la tranquillité de la Tunisie et à maintenir l'ordre public. C'est pour cette raison que l'Administration intérieure permet l'application des règles de l'état de paix aux diverses catégories de personnes, y compris les membres de l'armée, dans les cas où ils ne sont pas en campagne. D'une part, il serait d'ailleurs difficile de reconnaître qu'un attentat a été dirigé non contre l'armée elle-même, mais contre un de ses membres. D'autre part, il est évident que si l'on admettait que l'acte commis contre un des membres de l'armée, dans les cas où il n'est pas en campagne, implique une atteinte à son autorité et à son prestige, la distinction proposée entraînerait donc une diminution du privilège reconnu à l'armée et en vertu duquel on peut l'occuper sans avoir à recourir à une justice étrangère pour obtenir réparation. Aussi n'a-t-elle jamais été, à notre connaissance du moins, admise par la jurisprudence, qui a consacré la compétence des Tribunaux Militaires pour la répression de tous les attentats commis contre les membres de l'armée.

Il est donc évident que si l'on s'oppose, pour faire apprécier les motifs de la décision, à la compétence des Tribunaux Militaires, on se fonde pour retarder le procès du Sieur Mangano, sur une question de principe qui n'a été au début. La décision prise à l'égard du prévenu témoigne des dispositions que nous ne cessons d'apporter dans le règlement de toutes les affaires ou des intérêts étrangers se trouvent en jeu. C'est pourquoi, si l'on veut que la justice soit rendue dans les meilleurs délais, il faut que la question de compétence soit résolue par l'application de la Loi Penale, et près de laquelle la distinction de nationalité, soient certains de trouver bonne justice. C'est pourquoi, si l'on veut que la justice soit rendue dans les meilleurs délais, il faut que la question de compétence soit résolue par l'application de la Loi Penale, et près de laquelle la distinction de nationalité, soient certains de trouver bonne justice. C'est pourquoi, si l'on veut que la justice soit rendue dans les meilleurs délais, il faut que la question de compétence soit résolue par l'application de la Loi Penale, et près de laquelle la distinction de nationalité, soient certains de trouver bonne justice.

Agréé, &c.
(Signé) CHALLEMEI-LACOUR

Inclosure 2 in No. 150.

Report by Lieutenant-Colonel Alessandri

HIER, 8 Juillet, vers 4 heures du soir, la foule se pressait autour de la garnison Italienne. Les civils étaient confondus. L'un de ces derniers, le nommé Giovanni Mangano, sujet Maltais, demeurant à Tunis, pris de boisson, se faisait remarquer par une mauvaise attitude, criant et bousculant tout le monde. En ce moment se trouvaient près de lui les nommés Subry, Maréchal des Logis, et d'autres d'Afrique, détachés à la compagnie de remonte, Jacques, Maréchal des Logis, Siz, Brigadier, et Mathez, Brigadier, Maréchal-Ferrant, tous trois appartenant à la compagnie de remonte, et quelques officiers, entre autres M. Nicolas, Capitaine détaché

Mr. Reade to Earl Granville.—(Received November 3, 10 P.M.)

(No. 24.)
(Telegraphic.)

Tunis, November 3, 1883, 5.50 P.M.
BY Decree of Bey, city of Tunis and sixteen other places, including Biserta, are declared military strongholds. This measure is taken with a view to the security of the lead ere long to state of peace and military rule.
My colleagues of Spain and Italy have telegraphed to their respective Governments for instructions.

No. 104.

Sir J. Drummond Hay to Earl Granville.—(Received November 5.)

(No. 89. Confidential.)
My Lord,

Tangier, October 27, 1883.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 45 of the 20th instant, transmitting copies of letters from the Chairman of the North-west African Company respecting the movements of the Spanish and Moorish Expedition to discover the site of Santa Cruz de Mar Pequeña.
With reference to this subject I learn that the Sultan has offered to cede to the Spanish Government the site of Ifny, as they had refused to do so. I understand that the Sultan's offer of land is not a gift, but a sale. Specifically declared that he had no objection to ordering the site of the place to be sold as it is undoubtedly the ancient port of Santa Cruz de Mar Pequeña. The site is situated on the coast of the Province of Santa Cruz de Mar Pequeña, and is a small town, the site of which is now blocked up by sand dunes and is inaccessible to the sea.

I think it is probable, from what I have learnt confidentially from my friend, Mr. Lagas, M. Dondado, that Commissioners will be sent by the Spanish Government to inspect the site of Ifny, and to state whether it is suitable for the establishment of a Spanish colony from such an establishment.

Article VIII of the Treaty between Spain and Morocco distinctly stipulates that the site to be ceded is solely for a "fishery." Even if the Sultan consents that Ifny be opened to trade—which I greatly doubt, as it is the intention of His Majesty to open a commercial port on the coast of Morocco, and not a fishery, which is the only purpose for which the site is ceded. It is not a port, but a small town, the site of which is now blocked up by sand dunes and is inaccessible to the sea.

The Spanish Government will have to incur a very heavy expenditure in building and fortifying a town and in maintaining a garrison. One or more miles of coast will also be required on the station.

Ifny would hardly be a strategic point, like Ceuta or Melilla, and it is not improbable that the Spanish garrison would, sooner or later, be involved in hostilities with the warlike tribes of the coast.

It is probable that Spanish officials would probably be inclined to be satisfied with the arrangement, but they are in their ill-advised intention of occupying a town on the coast of Morocco.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 105.

Earl Granville to Viscount Lyons.

Foreign Office, November 7, 1883.

(No. 1060.)
My Lord,

I TRANSMIT herewith, for your Excellency's observations, copy of a telegram from His Majesty's Ambassador at Tunis, reporting that the city of Ifny is situated on the coast of Morocco, and is a small town, the site of which is now blocked up by sand dunes and is inaccessible to the sea.

It is probable that Spanish officials would probably be inclined to be satisfied with the arrangement, but they are in their ill-advised intention of occupying a town on the coast of Morocco.

and sixteen other places, including Biserta, have been declared military strongholds by Beylical Decree.

I am, &c.
(Signed) GRANVILLE.

No. 106.

Mr. Reade to Earl Granville.—(Received November 8.)

(No. 50.)
My Lord,

Tunis, October 23, 1883.

I HAVE the honour to acknowledge the receipt of Mr. Under-Secretary of State's despatch No. 18 of the 23rd instant, relating to a military invasion by French citizens of a piece of ground belonging to General Benayad, a protected British subject, and inclosing for such observations as I might have to make upon a copy of a letter from the French Government with reference to the same question.

Absence from this city, and a pressure of urgent business, has prevented me from replying earlier to the above despatch, but as I have now returned to Tunis, I have the pleasure to inform you that I have been able to obtain a confirmation of what I thought to be the case.

The remarkable inexactness of the information which appears to have been furnished to M. Jules Ferry renders it difficult for me to comment upon it in suitable terms.

I must, in the first place, deny to the matter being treated as the property of Benayad and M. Maréchal stood in precisely the same position as that of the former's possession is of an ancient town, the site of which is now blocked up by sand dunes and is inaccessible to the sea. I have been informed by the French authorities that the site is now blocked up by sand dunes and is inaccessible to the sea. I have been informed by the French authorities that the site is now blocked up by sand dunes and is inaccessible to the sea.

As everything, according to the local law, turns on possession, it is useless to ask General Benayad to assume the rôle of plaintiff instead of that of defendant.

The alleged placing of two guards to represent both claimants is a manifest inaccuracy. (In my discussion with the French authorities, I have been informed that the guard was placed by the French authorities, and not by the British authorities, as alleged by M. Ferry, the property.) Guards employed on service of the kind referred to are always taken from a class of Moroccan soldiers, and are not to be trusted. I have been informed by the French authorities that the site is now blocked up by sand dunes and is inaccessible to the sea. I have been informed by the French authorities that the site is now blocked up by sand dunes and is inaccessible to the sea.

It is not the strange fact that I had withdrawn from the scene of the French invasion, but only because I had been informed that the site is now blocked up by sand dunes and is inaccessible to the sea. I have been informed by the French authorities that the site is now blocked up by sand dunes and is inaccessible to the sea.

M. Ferry speaks of the day and night of the invasion, but does not say what day or night it was. I have been informed by the French authorities that the site is now blocked up by sand dunes and is inaccessible to the sea.

I must be honest and say that M. Ferry makes no distinction between the offer of the site to the French authorities and the offer of the site to the British authorities. I have been informed by the French authorities that the site is now blocked up by sand dunes and is inaccessible to the sea.

The question as to the real proprietorship of the ground ought undoubtedly to have been submitted to the decision of the local Tribunal of the Sharia, but as the case is not yet decided, I have no objection to the French authorities taking possession of the site.

F.O. 403/25

WITHOUT PERMISSION OF THE
OFFICE, LONDON

of appealing to that Tribunal, M. Maréchal has resorted to a course of procedure which cannot, for obvious reasons, be tolerated, I respectfully venture, under the circumstances, to submit that the only possible solution of the difficulty is by reference of the matter to arbitration.

I have, &c.
(Signed) THOS. F. READE.

No. 167

Mr. Reade to Earl Granville.—(Received November 8.)

(No. 51.)

My Lord,

Tunis, October 30, 1883.

AMONG the various cases of grievance which it will be my duty, by the next post, to submit to your Lordship's consideration, are those of the British mercantile community at Sfax, who complain that their business operations with the natives are interfered with by the local authorities, to their great prejudice, and in a manner which is not sanctioned either by Treaty or international usage. Having had occasion to bring the matter to the serious notice of the Tunisian Government, I beg respectfully to submit to your Lordship a copy of my despatch to M. Cambon, enclosing copies of a Report from Vice-Consul Leonardi and Memorial from some of the leading Maltese residents of the above town relatively to the same subject, and expressing a hope that a state of things which it is impossible to defend on political grounds may, in the interest of the whole community, be discontinued.

As stated in my communication to the French Minister I have visited the locality of the state parts of the municipality, in order to personally verify the facts. In the presence of the Consul and Governor of Sfax, who holds the office of Keeper of the Keys, I have subsequently ascertained that the Khalfi, a Vice-Governor, declared that the facts of the case were as follows:—that the town of Sfax, with its environs and its dependencies, is the subject of a *taxe* (public sale) and a *taxe* (public sale) of Maltese property. He does not deny the existence of these taxes, but he declares that they were only temporary and imposed upon the people in consequence of the collecting what he called the war tax, before enforcing payment of any other tax. Regarding the policy or impolicy of the tax in question, I had, of course, nothing to say (though I went to the place of the sale, which took place on the 24th of October, and was a large crowd of about 24,000,000 muntres); but I told the Khalfi that, as well as to do whatever he wished with its imposition, I could not allow that the reasons he had alleged were any justification for the non-settlement of debts contracted previously to the events in respect of which that impost is levied. I added that I was prepared, nevertheless, to encourage the extension of all possible facilities to native debtors, so that the difficulties of their situation may be lightened; and was glad to observe that the Maltese creditors were, generally speaking, animated with a corresponding disposition. Cases, I urged, where the sale of property involved ruinous consequences to the native proprietor would be treated with all the consideration to which they were entitled; but I had reason to know that a large portion of the amounts claimed were due from people in easy circumstances.

The aggregate amount of the Maltese claims does not exceed 500,000 muntres (about 12,500 £), and when it is furthermore considered that two-thirds at least of this sum could be paid without in any way affecting the settlement of the war tax, the vexatious and utterly unwarranted character of the official interference complained will be apparent.

The trade of Sfax, which consists chiefly of the importation of piece goods and colonial products, and exportation of olive oil and esparto grass, is almost entirely in the hands of the Maltese and other British subjects, and it is by them that the advances required for cultivation of the soil, collection of the crops, and other agricultural purposes, are principally made. The consequence is that the foreign subjects, who are in any way touched by the restrictive measures of the local authorities, are, with scarcely a single exception, Maltese.

Not content with the injury done in connection with transactions of the past, the Tunisian Government has not hesitated, through its local Representative, to inflict upon the whole community further losses in respect of present operations and future prospects, by interdicting the services of public notaries whenever required for the purpose of preparing or attesting any bond or agreement between Europeans and natives. This measure has not, it is true, been publicly announced, and may perhaps be denied. If so, I am assured there would be no difficulty in substantiating the allegation.

The Treaty of the M. Maréchal, in 1855, contains with the words "There shall be reciprocal freedom of commerce, and at least one-half of the duties of the same Government shall be levied on the goods of the other to the protection of mercantile interests. It will scarcely, therefore, be credited that, for some time past, the conduct of the Tunisian authorities at Sfax has been such as to add to the belief that their aims are in an especial degree directed to the destruction of British trade. Efforts recently made to direct commercial operations from the ordinary to French channels have, however, signally failed, and shown that, in developing the resources of this country, the presence in it of the Maltese element has become an actual necessity. Of this, a further demonstration is furnished by the fact that not a single house of business of any consideration has followed the French armies into the Regency, or established itself here, during the arduous protracted duration of the military occupation.

Regarding the Amrawat Bey (which are referred to in the inclosures of this despatch as authorities, stamped with the Bey's seal for sale of property to Maltese creditors), I may observe that they were not acted by me after some considerable delay, and at a time when I had the advantage of applying to the Bey's Ministers without the intermediary of the French Representative.

The non-execution of such acts is contrary to all precedent and subversive of the Bey's authority.

Having stated the case of these Sfaxine claimants as fairly as I could, I leave it with confidence in your Lordship's hands.

I have, &c.
(Signed) THOS. F. READE.

Inclosure I in No. 167.

Mr. Reade to M. Cambon.

Tunis, October 29, 1883.

Excuse me,

I beg to place before your Excellency the inclosed copy of a despatch from the British Vice-Consul at Sfax and of a Memorial from British subjects under his jurisdiction, complaining of the great difficulties with which British subjects have to contend in the transaction of their business with the natives, and of the condition of inertness into which, so far as British subjects are concerned, the civil administration of that town has fallen.

Whether this state of things is attributable to any restriction of the powers which have recently been vested in the office of Governor or Vice-Governor, your Excellency will know better than I do. It is, however, a fact, that for some time past the complaints of indifference or inattention on the part of the Vice-Governor to the appeals of British subjects for justice have become more accentuated and general.

The Vice-Consul's Report and the Memorial are of my voyage to Paris on the east coast of this Regency, and I have since had an opportunity of personally verifying the circumstances to which he refers.

The disinclination on the part of the authorities to assist British subjects in the recovery of sums due to them from periods anterior to the late bombardment, and the unwarranted interference of those authorities with the business relations between British and Tunisian subjects—both of which have resulted in consequences of a highly injurious nature to the trade and general interests of British subjects—are matter of public notoriety, and in an especial degree opposed to the stipulations of Treaty.

The reason adduced for this interference is that, without it, the difficulty in collecting the tax to which the native Sfaxine population have been subjected for their conduct on the occasion of the bombardment would be a permanent one.

I need scarcely remark that, as British subjects are in no way accountable for the imposition of this tax, they have assuredly a right to be exempted from its operation or effect.

One of the subjects of very general complaint at Sfax is that the public notaries have, for some time past, been interdicted from drawing up or attesting any bond or agreement between foreign and Tunisian subjects. The consequence, as may easily be imagined, of this measure has been to diminish very materially the ordinary business operations of the place.

The cases to which I have referred in the above remarks of British subjects being prevented from recovering the amounts of long-standing claims are numerous. As an example of these unsettled differences, I beg to inclose copies of two telegrams that have reached me within the last two or three days with reference to a case of a British subject,

Every one to agree that the Government must see the necessity of putting an end to a state of affairs which, regardless of all other considerations, is so manifestly injurious to commerce, and all its relations with the well-being and prosperity of this country.

Inclosure 2 in No. 167

(Translation)

This irregular proceeding has been so repeated upon the part of the merchants to the said Vice-Governor, and I have on several occasions visited the said merchants, without, however, any satisfactory result being achieved.

The claims to which I have referred relate only to credits that are secured by mortgages on landed property duly recorded in formal acts, and confirmed by "Amar Jey" authorizing the sale of the mortgaged property.

It will be seen, in cases can be pointed out in which British merchants have met with a far obstacle from the local authorities, even when the prices offered for property surpassed very considerably the value at which it was estimated by regularly authorized appraisers.

1178 A2
(SC 300) G. LEONARDI

Inclosure 3 in No. 167

(1 mutation)

It is an unanimous protest that the undersigned British subjects are constrained to present to you. It is a cry of protest against the conduct pursued by the Governor of this town against their interests—conduct which, not being inspired by sentiments of

Sfar, October 6, 1993

It is with regret that we make this statement, but it is nevertheless the truth. With that regret, which we speak for every one of our people, we

Now, as though such an event as that to which we refer were insufficient to render the commercial situation most dangerous and full of difficulty, the flagrant injustice of the local authority is added and extended to those who are creditors of the native population.

The principal point complained of by the undersigned is the opposition manifested to the sales of landed property hypothecated by native debtors, notwithstanding the regularly given for such sales by "Amar Bux" (Deputy Commissioner of the District).

The district of _____ on this account has consequently been
 _____ for a long time with calmness, they see that the
 _____ Governor never come to any result.

As a natural consequence, the unwillingness of the latter to pay increases in proportion with the disjunction of the seed and the soil.

It is true that the United States has a long history of supporting the United Brotherhood of Carpenters and Joiners of America, but it is also true that the United States has a long history of supporting the United Brotherhood of Carpenters and Joiners of America in the future be more in accordance with the principles of justice.

The Undersigned have, &c.

FELICE CARDOVA
(And 22 others)

No. 1418.

Mr. Reade to Earl Granville.—(Received November 9.)

(No. 72)
 May 1901

In pursuance of the request conveyed in your Lordship's despatch No 11 of the
 5th September 1884, the following have been transmitted the inclosed copy of a
 or a series of petitions received from the said Government. I have not been
 not been in my power to bring to a satisfactory conclusion. I have, however, as
 perfectly, but a small number of the same have been forwarded to the
 remainder I do not think it necessary to send on for settlement, which
 and I do not present them in the introduction of a petition for settlement.
 prices of the same. Among the latter I have forwarded the petition of
 Giovanni Macagno, for the settlement of his property in the city of
 his estate and in prison, until he should be able to pay the same. On the
 of the same petition was the same petition, and the same petition, and the
 ment of this claim was the same petition, and the same petition, and the
 In the list I have also included the same petition, and the same petition, and the

In the 1st I have learned that the author at least have not been arrested and
case of Brus's property is not yet known. French military authorities
lower as a result of the case, but it is not clear if there is some probability of a friendly agreement
ment on arrival.

Most of the claims pending at Susa and other parts of the Regency are for cattle and sheep stolen, and gardens and other property destroyed or spoiled by Arabs during the insurrection of 1881. Some of these are supported with documentary and other

evidence, and will probably result in a favourable termination; but, where there is no such evidence or proof, the chances of the claimants are of course hopeless.

In connection with some of the cases described in the accompanying papers, correspondence has passed which it will be my duty to submit to your Lordship. Points have been raised which were never before entertained, and views expressed which I have been obliged to dissent from, as opposed to Treaty and international usage on the one hand, and dangerous to the peace and security of Her Majesty's subjects on the other. As an instance, I may state that M. Cambon has not hesitated to affirm that a lease of land belonging to the Tunisian Government, but legally occupied by a British subject, at any time, he entered or visited by agents of the former, without any objection being previously come to with the occupying tenant or his Consular authority.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 168.

Claims for Indemnity as to the Oued Zergah Massacres.

ON the 30th September, 1881, the Arabs attacked the railway station at Oued Zerga and killed several workmen and employes. Amongst them were four Maltese: Vincenzo Borg, Leonardi Sculuna, Publio Grech, and Giuseppe Farrugia. They had all either families or relatives dependent on them. These persons have presented many Petitions asking for an indemnity from the Tunisian Government. The principle of the compensation seems at one time to have been accorded, for the persons charged with the massacre before a court-martial were, in many cases, condemned to pay large money fines, and as a view, it was said of compensating the sufferers. Altho' two years have elapsed nothing has been done; and as late as the 20th September Mr Brondley presented a Petition on behalf of the families of the deceased.

Enclosure 2 in No. 1494

Case of *Georganni Agnoli* and the *Tunisian Municipality*.

GIOVANNI AGNISI, some time ago, had sold a piece of land from one, **Alfonso** to . . . Previously to the purchase the Municipality of Turin had a claim to the ground, but they were unsuccessful in a suit over it in court. **Proval** and **Sileri's** title was later confirmed. **Agnisi** has been in a dispute for years with the church. Notwithstanding this on the 7th May 1883, the **Torino Municipality** works permit for and rec. **Agnisi** had to be cancelled. **Agnisi** is present and active in the Municipality to attack **Proval** the competent Tribunal. **Proval** (by decree) declines to do so, but still arbitrarily prevents **Agnisi** from the enjoyment of his land.

Inclosure 3 in No. 169.

Case of General Berayud and the Tanna Municipality

GENERAL BENAYAD is the lawful owner (furnished with authentic title-deeds) of certain plots of land in the City of Tunis, adjoining the tobacco depot. A guardian of the Consulate-General was in possession owing to certain claims being put forward by third parties to the land. The guardian in question was placed there with the assent of the French Consulate-General. In order to fix the boundaries of the ground, a trench, which formerly existed, was re-excavated by General Benayad. The Municipality, without any intervention of the British Consular authorities, entered arbitrarily on the ground, filled up the ditch, and otherwise interfered with rights of ownership. A complaint, forwarded in April last, regarding the treatment of General Benayad, and the slight offered to this Consulate-General, remained unanswered until the 23rd of the present month (October), when M. Cambon merely informed Mr. Reade that the original title-deeds were in the possession of the Public Works Department.

Inclosure 4 in No. 168

Case of Mr. Levy, at Gobes.

MR. M. DE J. LEVY, a well-known merchant residing in London, and an extensive dealer in esparto grass, was, prior to July 1881, in possession and enjoyment of a store at Gabea, which was then the property of the Government. It was at that time leased to Mr. Levy, and Mr. Levy, in consequence of the superior quality of the material which he collected from the extensive quantities of esparto grass, when were consigned exclusively to Mr. de J. Levy, to sell in England on commission. This business brought Mr. Levy a profit of 2,000*l.* per annum. On the French troops occupying Gabea in July 1881, they immediately entered on Mr. Levy's property, and have remained in possession ever since. Mr. Levy had a demand for compensation for his loss. A discussion ensued, which, in April 1883, resulted in Mr. Levy's offering to accept 20,000 fr. for the store; 75,000 fr. for the land (the store ground is 100 metres in extent), and 8,000 fr. for the two years' rent. This was rejected, and on other terms, the French military authorities calling on Mr. Levy to execute this offer, and Mr. Levy refusing to any agreement to purchase. On Mr. Levy declining to consent, the military authorities answered by a protest that they intended to take the land now more than two years in the possession of Mr. Levy, and, in consequence of the taking up of land for public purposes, notwithstanding that the law provides that all proceedings under it must be taken prior to ousting the possessor. I believe that Mr. Levy has, through his legal adviser Mr. Bromley, advised by the late Mr. Meunier, formerly French Consul at London, and through his attorney, the object of showing that according to the value of the land, as purchased at Gabea, and in view of the central situation of the property in question, his claim to compensation is not unreasonable.

Inclosure 5 in No. 168.

Case of Benatar against the Sons of Hadj, Saleh Ben Beshar-el-Abbady, Tunisian Subjects.

BENATAR, about two years ago, purchased from the sons of Hadj Salah Ben Beshir el-Ahbas, a property in the neighborhood of Matar, for which he paid the purchase money. Now that day has come, and though fully provided with legal title deeds, he has for two years sought in vain to obtain an entry on the property and carry the rights of possession.

Inclosure 6 in No. 168.

Case of Camilleri at Porto Farina.

LUI SEPPH CAMILLERI, a Maltese, has been for some time in occupation of a magazine situated at the sea coast at Porto Farina. He left this magazine locked securely, and came to Tunis. During his absence three guardians of the tobacco monopoly with the concurrence of the other governing authorities locked the magazine with the intention of forcing the British Consul to a threat, and not complying in violation of the Anglo-French Treaty in the alleged search of gunpowder and tobacco. They found in the magazine a quantity of salt and garbe, which they incriminated. I investigated this case, and the salt and garbe turned out to be Camilleri's case. So far from committing Camilleri for the unlawful possession committed to his property, I authorized him to export his gunpowder. I have notified the action of the Porto Farina authorities, and the Tunisian Government still persists in retaining the key of the magazine, which contains, besides the salt and garbe, a quantity of potatoes belonging to the poor Maltese inhabitants of Porto Farina, who are actually prevented from sowing their crops.

Inclosure 7 in No. 168.

General Benayas's Complaint as to a Trespass on his Property at Jeddah.

ON the 19th July, 1883, the representative of the "Sadukia College," accompanied by two notaries and two surveyors, entered forcibly by a ditch on the General's property at

3. General Benayad and the Tunis Municipality.
4. Mr. Levy's case at Gabes.
5. Mr. Benatar, a British subject, against the sons of Hadj Salah Ben Beshir-el-Abbasy.
6. Case of Candilleri at Porto Farina.
7. General Benayad's complaint as to a trespass on his property at Jedeida.
8. Case of Mr. Joseph Benatar against the Tunisian Government.
9. British subjects at Sfax having claims against Tunisian subjects which they are unable to get liquidated.
10. The claim of General Benayad against the Tunisian Government.
11. Invasion of property of General Benayad by French subjects.

No. 169.

Viscount Lyons to Earl Granville.—(Received November 10.)

(No. 764.)

My Lord,

Paris, November 9, 1883.

WITH your despatch No. 1060 of the day before yesterday your Lordship has done me the honour to send to me for observations a copy of a telegram, dated the 3rd instant, in which Mr. Rende reports that the city of Tunis and sixteen other places, including Biserta, are declared by a Decree of the Bey military strongholds.

This measure has no doubt been taken with a view to assimilating the system in Tunis to that in force in France.

Mr. Rende's telegram does not say whether the Bey's Decree or any other legal enactments in the Regency prescribe special Regulations respecting places classified as "places de guerre."

The enclosed copies of a Decree which appeared in the "Journal Officiel" yesterday will show the special military Regulations applicable to such places in France.

I have marked in the margin a few of the more important passages. They occur in Articles, 1, 8, 60, 175, 190, 201, and 203.

I have, &c.
(Signed) LYONS.

Inclosure in No. 169.

*Extract from the "Journal Officiel" of November 8, 1883.**Extracts from Decree of October 23, 1883.*

ARTICLE 1^{er} La dénomination de place de guerre s'applique aux villes fortifiées pourvues d'une simple enceinte ou d'une enceinte à forts détachés. Le Ministre de la Guerre détermine les ouvrages qui dépendent de la place.

La même dénomination s'applique aux forts isolés (forts, châteaux, citadelles, postes militaires).

Toute place de guerre est classée par une Loi.

Les places de guerre, relativement au commandement, au service, et à la police, sont —

En état de paix, en état de guerre, ou en état de siège.

Définition de l'Etat de Paix.

Article 6. L'état de paix existe toutes les fois que la place n'est pas constituée en état de guerre ou de siège.

Maintien de l'Ordre Public.—Informations à Prendre.—Réquisitions.—Arrestations.

Article 60. En vue des éventualités qui peuvent se produire, les adresses du bureau de la place, du chef du génie, du commissaire de police du quartier, des médecins les plus voisins, des casernes ou postes les plus rapprochés, et celles des postes des sapeurs-pompiers, et des agents de police, sont affichées dans le poste par les soins du major de la

garnison. Tout chef de poste, en arrivant au corps de garde, doit les réclamer si elles manquent.

Les chefs de poste ne doivent pas perdre de vue que la force armée est essentiellement protectrice de l'ordre public, des personnes, et de la propriété. En conséquence, ils prêtent main-forte pour l'arrestation des individus signalés comme délinquants et des perturbateurs de l'ordre, lorsqu'ils en sont requis par les officiers de police ou leurs agents. Dans aucun cas ils ne se refusent aux réquisitions, et ne dégarnissent leur poste de plus de la moitié de sa force.

Ils doivent protéger toute personne dont la sûreté est menacée. Ils font arrêter, conformément à l'Article 106 du Code d'Instruction Criminelle, les individus poursuivis par la clameur publique ou surpris en flagrant délit.

Ils reçoivent tout individu qui est amené à leur poste par les agents de police. Ces agents doivent faire connaître le caractère public dont ils sont revêtus. Ils reçoivent et signent leur réquisition sur le Rapport.

Toutes les fois que les chefs de poste ont été dans le cas de faire procéder à une arrestation sur l'avis d'un officier de police, ils doivent en faire l'avis à l'officier de police. Ils prennent note des noms, professions, et demeures des plaignants, et en font mention dans leur Rapport.

Si un inconnu réclame l'assistance de la garde pour faire arrêter une autre personne, en raison d'un dommage ou d'un délit qui ne serait pas apparent et bien constaté, le chef de poste les ferait conduire immédiatement l'un et l'autre devant le commissaire de police.

Tous les individus arrêtés sont conduits le plus tôt possible au bureau de la place s'ils sont militaires, ou devant le commissaire de police s'ils sont civils, le chef de poste fait connaître par écrit les motifs et toutes les circonstances des arrestations.

Quand le bureau de la place ou le bureau du commissaire de police sont fermés, les individus arrêtés pendant la nuit sont déposés au violon du poste, et ne peuvent communiquer avec qui que ce soit au dehors. Ils sont particulièrement surveillés et sont conduits au point du jour, au bureau de la place ou chez le commissaire de police.

Les militaires et autres qui ont été arrêtés en état d'ivresse ne doivent être conduits soit au bureau de la place, soit chez le commissaire de police que lorsque leur ivresse a cessé.

Quand des rassemblements se sont formés à l'occasion d'une arrestation, et si, d'après les dispositions de la foule, le chef de poste juge que les personnes arrêtées ne peuvent être conduites avec sûreté par la force à ses ordres, il les fait garder au poste, et en informe le major de la garnison.

Police Civile.

Article 175. La police civile est exercée dans les places de guerre et les villes de garnison par les fonctionnaires de l'ordre civil et chargés de veiller au maintien de la tranquillité publique et à l'observation des lois et règlements de police. L'intervention militaire ne peut intervenir que lorsque la police est requise, dans les circonstances et sous les conditions déterminées par le présent Règlement (Articles 176 et suivants).

Réciproquement, l'autorité civile ne peut s'immiscer dans les actes de la police militaire.

Les dispositions de police civile auxquelles la garnison doit se conformer sont communiquées officiellement au commandant d'armes, qui en donne connaissance aux troupes, les fait afficher, au besoin, dans les bâtiments militaires, après y avoir mis son visa, et s'assure que elles sont observées.

Les dispositions de police militaire dont l'observation s'effectue par les troupes ou les troupes sont communiquées par le commandant d'armes à l'autorité civile qui s'y conforme.

Disposition Générale.

Article 190. Pour les places l'état de guerre résulte de la proclamation, dans la place, de l'ordre de mobilisation, ordonnée en vertu d'une Loi ou d'un Décret.

Le Gouverneur désigne, sur la proposition du commandant d'armes, les officiers de police de la place conformément aux dispositions du dernier paragraphe de l'Article 175 et sous les conditions prévues à l'Article 21.

Il est assisté, dans ces fonctions, par les officiers désignés à cet effet par le Ministre, et, à leur défaut, par des officiers choisis dans les conditions prévues au Chapitre VI, et pris dans la garnison normale de siège. Toutes les troupes qui ne font pas partie de cette garnison sont considérées comme étant de passage dans la place.

Il est institué et réunit le Comité de Surveillance des rassemblements conformément à l'Article 213, et constitue le Conseil de Défense conformément à l'Article 211.

Le service et la police sont soumis aux mêmes règles générales que dans l'état de paix; toutefois, l'autorité civile ne peut rendre aucune Ordonnance de Police sans s'être entendue avec le Gouverneur ou refuser de prendre les Arrêts que celui-ci juge nécessaires à la sûreté de la place.

Le Gouverneur d'une place en état de guerre met à exécution les parties du projet de défense qui se rapportent à cette situation.

Il fait garder toutes les portes de terre et d'eau, ainsi que toutes les gares de chemins de fer, où il établit, s'il y a lieu, des postes spéciaux.

Comment l'Etat de Siège est déclaré.

Article 201. L'état de siège d'une place de guerre ou d'un poste militaire est déclaré par une Loi ou par un Décret, dans les circonstances prévues et sous les conditions édictées par la Loi du 3 Avril, 1878.

Dans les places de guerre et postes militaires, la déclaration de l'état de siège peut être faite par le commandant militaire, conformément à la Loi du 10 Juillet, 1791 et au Décret du 24 Décembre, 1811, dans les cas suivants:—

1. L'investissement de la place ou d'un poste par des troupes ennemies qui interceptent les communications vers en dedans et du dedans en dehors;

2. Attaque de vive force ou par surprise;

3. Sedition intérieure, de nature à compromettre la sécurité de la place;

4. Enfin, lorsque des rassemblements armés se sont formés dans un rayon de 10 kilom sans l'autorisation des autorités.

Le Ministre de la Guerre est immédiatement informé.

L'état de siège est levé, suivant le cas, par une Loi, par un Décret, ou par décision du commandant militaire, quand les circonstances qui l'ont fait déclarer ont cessé.

Autorité du Gouverneur.

Article 203. Aussitôt que l'état de siège est déclaré, les pouvoirs dont l'autorité civile était revêtue pour le maintien de l'ordre et de la police passent tout entiers à l'autorité militaire.

L'autorité civile continue néanmoins d'exercer ceux de ces pouvoirs dont l'autorité militaire ne l'a pas dessaisie.

No. 170.

Mr. Reade to Earl Granville.—(Received November 10, 7 P.M.)

(No. 21.)

(Telegraphic.)

Tunis, November 10, 1883, 5.30 P.M.

MICHELLE PORTELLI alias Pui-pui-pai, a British subject, has been arrested by French military authorities, as having been concerned in drunken brawl in which two French soldiers were wounded several nights ago. French Minister has rejected my demand for delivery of the prisoner to charge of Her Majesty's Consulate-General.

Prisoner a helpless drunkard, partially idiotic, and not, in my opinion, physically capable of the assault of which he is accused. French soldiers, although armed, had bayonets taken from them. No clue to real assailants. Latter more probably Italians than Maltese.

No. 171.

Mr. Reade to Earl Granville.—(Received November 12, 8 A.M.)

(No. 22.)

(Telegraphic.)

Tunis, November 11, 1883, 10.16 P.M.

A BRITISH domicile was violated this evening by French military force, on plea of obtaining restoration of bayonet taken some nights ago from French soldiers. No bayonet found on premises. Serious questions between British subjects and local authorities of almost daily occurrence. I respectfully suggest that Her Majesty's ship "Condor" remain here to insure, if necessary, transmission of official correspondence.

No. 172.

Mr. Reade to Earl Granville.—(Received November 13.)

(No. 33.)

My Lord,

Tunis, November 1, 1883.

I HAVE the honour to report that Her Majesty's ship "Condor" arrived in this bay on the 28th ultimo, and relieved the "Coquette," which took her departure immediately afterwards for Malta.

Having stated in a former despatch that I have personally no further need of the services of a ship of war, it is unnecessary I should repeat that declaration now.

I must however close to express my satisfaction at the "Condor's" arrival, being convinced—and never more so than at the present moment—of the salutary effect which the appearance of Her Majesty's ships in these waters never fails to produce.

I have, &c.

(Signed) THOS. F. READE.

No. 173.

Mr. Reade to Earl Granville.—(Received November 13.)

(No. 34.)

My Lord,

Tunis, November 6, 1883.

WITH reference to my telegram No. 24 of the 3rd instant, reporting the publication of a Bercel Decree which declares the city of Tunis and six other towns to be places in the Regency military posts or fortresses, I have the honour to transmit herewith a copy of the "Tunis Official Gazette" in which that publication appears.

The uncalled-for character of this measure, and its seemingly questionable legality, have created an unfavourable impression on the minds of a large portion of the European population, who see in it a means for overriding, at no distant period, the jurisdiction clauses of international Treaties, and subjecting foreigners to the more stringent prescriptions of French military law.

Among the effects which, it is feared will result from the new order of things, is the expropriation of private property to a large extent, and with it regard to the conditions which are laid down in the Anglo-Tunisian Convention of 1863.

I know not, my Lord, how far the above views may be worthy of your consideration, but trust I shall be pardoned even if, in giving expression to them, I shall appear to be discharging a superfluous duty.

I have, &c.

(Signed) THOS. F. READE.

Inclosure in No. 173.

Extract from the "Journal Officiel Tunisien" of November 1, 1883.

Décret du 17 Hedyé, 1300 (10 Octobre, 1883).

Article Unique.—Sont classées comme places de guerre et postes militaires les villes et ouvrages dont la nomenclature suit: Tunis, Bizerte, Beja, Le Kef, Camp de Souk-el-Djemah, Soussa, Sfax, Bordj de Mahdia, Caravansérail de Gilma, Redoute de Gards, Redoute de Ras-el-Oued, Camp d'El-Aïcha, Caravansérail et Blockhaus de La-Ismaïly, Kasba et Camp de Gafsa, Camp de Feriana, Caravansérail de Sidi Aïch, Kasba de Houmt-Souk.

No. 175.

Margherita Galea to Earl Granville.—(Received November 13.)

(Telegraphic.)

Tunis, November 12, 1883.

YESTERDAY my house has been visited by about 40 armed soldiers without any assistance on the part of British Consulate. They had been ordered to give orders your agent for satisfaction.

not appointed by the Consulates; that the French watchman, after a time, had ceased to continue this charge, and that M. Maréchal had thereupon in order to support his assumed rights and not to compromise his case, considered that his best course was to take possession of the ground, the watchman appointed on General Benayad's behalf being accordingly expelled by M. Maréchal's workmen.

Baron d'Estournelles, whilst not attempting to defend the action of M. Maréchal in this matter, records his version of what had subsequently passed between himself and Mr. Reade, and his reasons for the conclusion at which he had arrived, that under the circumstances the only course was for the General to bring a civil action.

I have thought it desirable to refer to Mr. Reade, for his observations, the above reply of the French Government, and I now transmit to your Excellency a copy of his rejoinder.* From it your Excellency will perceive that whilst Mr. Reade adheres entirely to his original statements in regard to this transaction, he comments upon what he designates "the remarkable inexactness of the information which appears to have been furnished to M. Jules Ferry."

It is unfortunately the case that the statement of facts, as furnished by Mr. Reade, is entirely opposed to that of Baron d'Estournelles, whilst there is no documentary evidence to support either version.

I have now to request that your Excellency will address a representation to the French Government, pointing out the very unsatisfactory position in which this case stands, owing to the discrepancy in the evidence as regards the essential points under discussion, and your Excellency will observe that, as this is unfortunately the case, it appears useless to prolong the discussion as to the facts. It is, however, to be noted that General Benayad has long been the possessor of the piece of ground in question. That M. Maréchal is the aggressor, who has tried to dispossess him, and who is bound to prove his title as plaintiff before the competent Tribunal. That General Benayad is quite willing that the question should be so disposed of, or if not by these means, by arbitration.

In the meanwhile, it is clear that M. Maréchal's efforts to gain possession of the ground by force are illegal, and calculated to produce breaches of the peace, and it is hoped, therefore, that the French authorities will see their way to restrain him in all such proceedings pending the proper adjudication of the question, and that they will instruct Baron d'Estournelles to unite with Mr. Reade in their efforts to have the matter settled in one of the modes above indicated.

I am, &c.
(Signed) GRANVILLE.

No. 179

Earl Granville to Viscount Lyons.

(No. 1091.)

My Lord,

Foreign Office, November 16, 1883.

I HAVE received your Excellency's despatch No. 723 of the 22nd ultimo, inclosing a copy of a note from M. Challemeil-Lacour, accompanied by a Report furnished to the French Government respecting the case of the Maltese, Giovanni Mangano, who was wounded by a French officer at Tunis.

In the concluding portion of M. Challemeil-Lacour's note, in which the question is argued of the competence of the Military Tribunals to deal with cases like that under discussion in the present state of French military occupation in Tunis, it is stated that the French Government are anxious to place every one "sous le régime du droit commun," whilst the hope is expressed that Her Majesty's Government will not retard this step by maintaining any longer British Consular jurisdiction in the Regency.

In a note which I have addressed to the French Ambassador respecting the French Tribunals in Tunis, of which I inclose a copy,† I have referred to the above passage, as indicating that upon the abandonment of British Consular jurisdiction in Tunis, and its transfer to the French Tribunals, the military jurisdiction asserted in such cases as the present will cease to be exercised over British subjects.

I am, &c.
(Signed) GRANVILLE.

No. 180.

Earl Granville to M. Waddington.

M. l'Ambassadeur,

Foreign Office, November 16, 1883.

ON the 20th July last Count d'Armar was good enough to place in my hands a Memorandum, containing the reply of the French Government on the various points referred to in the Memorandum attached to my note to M. Tissot of the 20th June last, on which Her Majesty's Government desired further information, bearing upon the precise meaning and effect of the French Law of the 27th March last, establishing French jurisdiction in Tunis.

Her Majesty's Government have, in communication with the Law Officers of the Crown, attentively considered the additional information on this subject which the French Government have been good enough to furnish, and will accept of these explanations as on the whole satisfactory. I have, therefore, to inform you that I will inform your Government that I have still many points to discuss with Her Majesty's Government, consider that they are called upon to make reservations before surrendering British Consular jurisdiction in Tunis; but that, subject to the acquiescence of the French Government therein, they are prepared to abolish the British Consular jurisdiction in Tunis from the 1st January next.

I have, &c.

1. The right of British subjects to challenge assessors in the new Courts.

2. The admission of duly qualified British advocates to practise before the Courts without this privilege being limited, as at present proposed, to those only who are established in Tunis.

3. The extension to Great Britain of all privileges reserved to any other Power in connection with the new system of jurisdiction in Tunis.

4. The immediate settlement by arbitration, or otherwise, of outstanding claims of British subjects in Tunis.

5. The cesser of military jurisdiction over British subjects in cases cognizable by the Civil Tribunals.

With regard to this last condition, I would observe that in a recent note from M. Challemeil-Lacour to Lord Lyons, dated the 19th ultimo, and relating to the case of the Maltese, Mangano, it was stated that it was the earnest desire of the French Government "de placer tous les habitants du pays sous le régime du droit commun," and the hope was expressed that Her Majesty's Government would not, by maintaining their Consular jurisdiction, retard the establishment of a more regular order of things.

Her Majesty's Government trust, therefore, that the Government of the Republic will see its way to meet their wishes in the matters above stated, and on receipt of a communication from your Excellency to that effect, they will take immediate steps to carry out the arrangement at the date above proposed.

I have, &c.
(Signed) GRANVILLE.

No. 180.

Earl Granville to Mr. Reade

(No. 71)

(Telegraphic)

YORK No. 1

Foreign Office, November 19, 1883, 2:30 P.M.

Complete and send home list of all outstanding British claims, with report thereon

No. 181.

M. Catalani to Earl Granville.—(Received November 20.)

(Private and Confidential)

My Lord,

35, Queen's Gate, November 17, 1883

M. MANCINI desires to know whether your Lordship's attention has been called on the new Decree of the Bey of Tunis (date of the 19th ultimo), by which some localities in Tunis are classed as "places de guerre et postes militaires," and whether, in the opinion of Her Majesty's Government, the Decree is in keeping with existing Treaties.

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Although invited to search the premises they did not do so, and, after remaining there about half-an-hour, they went away.

The serious character of this last venture of the military authorities is too self-evident to call for comment. I therefore lost no time in bringing the matter to the notice of the French Minister, and recording a protest against a course of procedure as unprecedented and illegal as it is dangerous to the rights and liberties of British subjects.

If the correspondence which passed between M. Cambon and myself with regard to this matter, I beg also to annex a copy.

At the instigation of M. Cambon, the French Government has for some time past endeavoured to obtain the assent of the Great European Powers to the abrogation of the Capitulations and establishment of French jurisdiction over all foreigners in this Regency, civil and military, as the case may be. That the negotiations set on foot for this purpose, except, perhaps, with certain Governments whose interests in this country are little more than nominal, should have failed hitherto of success, is, on many accounts and for obvious reasons, a subject of congratulation. In the long array of treaties and capitulations adduced against such a concession to French aspirations, one, I apprehend, is stronger or more transparent than the very line of procedure which the French authorities have, during the term of the present régime, thought proper to pursue in their relations with the Representatives of foreign Powers.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 186.

Mr. Reade to M. Cambon.

Excellency,

Tunis, November 10, 1883.
IT having come to my knowledge that a British subject, named Michele Portelli, known generally by the sobriquet of "Pappai," has been arrested, and detained in arre by the French military authorities, I have to inform you that, as his detention is illegal and opposed to Treaty, he be transferred to the charge of the Consulate-General.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 2 in No. 186.

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général,

Tunis, le 10 Novembre, 1883.

J'ai l'honneur de vous accuser réception de votre dépêche en date de ce jour, relative à l'arrestation par l'autorité militaire de Sieur Michele Portelli, connu vulgairement sous le sobriquet de "Pai-Pai." D'après les renseignements qui me sont fournis à ce sujet par l'autorité militaire, cet individu se serait rendu complice d'une agression dont aurait été victime un caporal du 4^e Régiment de Zouaves.

Ce caporal ayant reçu une blessure grave et mortelle, l'autorité militaire détient le Sieur Portelli, jusqu'à ce que l'enquête ouverte ait établi l'inculpation.

Agreez, &c.
(Signé) PAUL CAMBON.

Inclosure 3 in No. 186.

Mr. Reade to M. Cambon.

Excellency,

Tunis, November 10, 1883.

I HAVE the honour to acknowledge the receipt of your letter of this date, informing me, in reply to my request, for the delivery into the charge of Her Majesty's Consulate-General of the British subject, Michele Portelli, who is at present detained in the custody of the French military authorities, that the said detention of Michele Portelli will continue until an inquiry into the circumstances which led to his arrest shall have been held.

It will be my duty to communicate the above reply to Her Majesty's Secretary of State for Foreign Affairs. In the meanwhile, I must record my formal protest against the

arrestation and imprisonment of the British subject as a breach of Treaty and international law.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 4 in No. 186.

Mr. Reade to M. Cambon.

Excellency,

Tunis, November 12, 1883.

A BRITISH domicile was in the afternoon of yesterday violated by a French military force consisting of soldiers and officers. The premises occupied by a British subject, named Michele Portelli, were taken possession of by the French military authorities. The force of the doctrine of these premises prevented for some time all ingress into them. The above facts have been officially established by the Chancellerie of Her Majesty's Consulate-General, who was duly sworn of oath that day.

Yes, I have, &c. The nature of the military force employed was more glaringly opposed to all the prescriptions of the Capitulations, and I may add to the solemn engagements entered into by the French Government, it is impossible to conceive.

How, therefore, in all the circumstances of the case to Her Majesty's Government, I have the more to say on the subject; but, as we appear to have reached the point where, and the rights of domicile, which (so far as the British subject is concerned) have always hitherto been held as sacrosanct, are now regarded with the respect to which they are entitled, I have the honour to record this moment of protest on my Government's behalf, a formal protest against the violation to which an above narrated, the premises occupied by the British subject, Michele Portelli, were subjected.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 5 in No. 186.

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général,

Tunis, le 12 Novembre, 1883.

DES la réception de la lettre que vous m'avez fait l'honneur de m'adresser sous la date de ce jour, je me suis empressé de vous en adresser une réponse avec des explications au sujet de l'incident qui vous a été communiqué.

Il résulte d'un rapport de M. le Major de Zouaves, commandant le Corps d'Occupation, d'après lequel vous trouverez ci-joint copie, qu'une troupe armée a violé, hier soir, le domicile d'un sujet Maltais, et qu'il n'y a été fait aucune perquisition.

Je ne doute pas, M. l'Agent et Consul-Général, que les explications ci-dessus soient satisfaisantes et de nature à ôter tout caractère de gravité à l'incident qui est l'objet de votre communication précitée.

Agreez, &c.
(Signé) PAUL CAMBON.

Inclosure 6 in No. 186.

Lieutenant-Colonel Alexander to the French Garrison Major.

Mon Général,

Tunis, le 12 Novembre, 1883.

J'ai l'honneur de vous adresser ci-joint les renseignements demandés dans votre lettre le 10 courant.

M. le Capitaine de Zouaves, s'est présenté hier, en tenue de jour, au poste de Valan, pour le rapport de la gendarmerie, pour y être reçu par M. le Major de Zouaves.

Il était accompagné de M. le Lieutenant Livet et du Caporal Graziani, tous deux en tenue de jour, et d'un interprète. Ces deux militaires ont été

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instance, or that which relates generally to the arrest and custody of the British subject, Michele Portelli, is such as to induce Her Majesty's Government to assent to the military jurisdiction which is claimed, in certain cases, over foreign subjects residing in the Regency, I cannot presume to say

Enclosure 8 in No. 186.

1. THE undersigned, Captain John D. Caldwell Clerk of Her Britannic Majesty's Arms and Consular Service, do hereby certify that

(Signed) G. CARBONARO

Inclosure 9 in No. 186

(17) $\text{[} \alpha \text{]} \rightarrow \text{[} \beta \text{]}$

(Signed) MARGHERITA GALEA, her x mark.

Excellency,

Tuesday, November 13, 1883

Enclosure 7 to No. 186

Mr. Reade to M. Cawdon.

Particulars which have reached me in connection with this disagreeable affair, and which are contained in the military Report, aggravate materially all that is to be noted in the officer's procedure, and places the affair in the light of a domestic visitation, with all the formalities of authority. The presence, whether for a day or otherwise, of a considerable armed force, at the entrance of the house, and having the appearance of a guard, regularly mounted, and stationed there for the purpose of preventing anybody from passing into or out of the establishment, added naturally to the disagreeable aspect of the whole procedure.

It appears, moreover, that the above-named captain and his party proceeded to the house of Margherita Cinca (which, although called a café, is more properly a shop in which wines and spirits are sold, with rooms adjoining, in which she has her fixed dwelling) for the avowed purpose of demanding restitution of a sword, which they believed to exist there—a demand which I understand was made in an authoritative and peremptory manner. The great inconvenience of the course pursued will be at once comprehended; and if, instead of inviting the military force to search the premises themselves, Margherita had refused to reply to a demand that did not come directly from the Consular authority to which she is amenable, there is no doubt she would have been perfectly justified in so doing.

I shall not fail to communicate to Her Majesty's Government, by the first opportunity, the letter with which you have favoured me, and the military Report it incloses; but, whether the conduct pursued by the French military authorities, in the present

Tunis, November 12, 1963. (Signed)

Declaration of Prerequisite Costs.

(Translation)

In Her Majesty's Court for Tennis.

I, THE Undersigned, declare and make oath that yesterday (11th Nov) at 10.30 a.m., I was in the shop of Margherita Galea, situated at Hamlet-el-Ser, when French soldiers with fixed bayonets, followed by a party of French soldiers entered into the said shop. A corporal ordered Mr. Galea to get up and to hand over to him. She protested she had no money. Margherita Galea then said to the British Consulate. The corporal answered, "We do not want money, we want to search for arms who command here." Mr. Galea then said to the corporal, "I have no arms." Afterwards, the Chief Clerk of this Consulate, accompanied by several other persons and by the Dragoon Hamida, arrived. The Chief Clerk, Mr. Camillo Carbonaro, told the soldiers that the owner of the shop was not the subject, but, if they chose, they might make a search. Mr. Carbonaro, seeing that the soldiers took no notice of what he was saying to them, left the place, speaking in French to them; but they did not understand what they said.

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No. 187

Earl Granville to Mr. Reade

 (N, \leq)

Sir,

Foreign Office, November 22, 1983

I HAVE received your despatch No. 51 of the 24th ultimo upon the subject of the
of the British mercantile community at ...

Y^r objection in the matter is approved by Her Majesty's Government, and I have to state to you that the case of these claimants will be duly considered.

(Signed) GRANT

No. 144.

*Memorandum communicated to Karl Grauville by the Marquis de Casa Longuein,
November 23, 1843.*

[illegible]

At a meeting of the American Ministers to the Presidency of the Senate, Vice-President Foreign Affairs, for the purpose of explaining the true interpretation of the said Article, it was agreed that Sd. Mateo and Vargas should request the Spanish Minister for Foreign Affairs to endeavour to obtain, through the Representatives of Spain at the various Courts interested in the matter, an uniform and precise interpretation on all the points connected with the said Article. The International Agreement referred to

[illegible]

No. 189.

*Memorandum communicated to Karl Granelle by the Marquis de Casa Laigleu,
November 23, 1883.*

THE Spanish Consul-General in Tunis has informed us Government that His Highness the Bey has issued a Decree declaring that Tunis and sixteen other cities of the Regency are to be considered in future as fortified places. The Spanish Government is most desirous to know whether the above-mentioned measure has been notified to the Foreign Office, and what is the opinion of Her Britannic Majesty's Government on the subject.

No. 190.

Sir J. Drummond Hay to Earl Granville.—(Received November 24.)

(No. 92, Secret.)

My Lord,

Tongue, November 15, 1883.

WITH reference to my despatch No. 65, Confidential, of the 22nd July last, reporting the language held to me by the French Minister, M. Orlega, respecting this country, I have the honour to inform you that the same has been referred here on the 13th inst. to all have learnt equally that this matter is to be discussed at the beginning of next month to the Sultan's Court at Mequinez.

My Italian colleague informs me that M. Ordega, shortly before he went on leave, told him that, if he returned here, he would become the "Roustan" of Morocco.

M. Ordaz is very indiscreet in his language, though, when he makes extraordinary communications to his colleagues, his chief object may be to elicit an expression of their views.

I cannot suppose, especially at the present time, when the hands of the French Government are full, in consequence of their ambitious views of colonial aggrandizement, that they should attempt to seek to establish a Protectorate in this country, as they have done in Tunis, and therefore I wish to attribute M. Oriega's ebullitions to vanity and vainglory, but I have thought it advisable, under present circumstances, to ascertain and letting the Sultan know secretly the language which has been used by M. Oriega, and in placing His Majesty on his guard against admitting any such proposition that he seek for or accept a French Protectorate, or the acquisition of France in any other form, and that His Majesty should apprise me secretly and immediately, even if the shadow of such a proposition is made.

I have the honour to transmit the translation of a secret Memoire in which I have forwarded, sealed, through the Vizier, Cid Mehmed Pacha, a request that he deliver it to the Sultan, as I have no confidence in the honesty or good faith of that functionary.

I trust your Lordship will find that my language is discreet, and that, far from encouraging any feelings of animosity towards France, I seek to allay the natural irritation which must be felt by the Sultan against M. Ordega, for it is most probable that other persons have divulged his views, which are in the mouths of every one with whom he converses.

Col M. Lammed Barghout has a soldier put on his guard by me at a late occasion. I did with him, to be prepared to appear at the court any of the day, and a few minutes to him, and then to the Sultan before Mr. Omer proceeds to the court.

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alleged at some time or other to have committed themselves by accepting the Protectorate or the regis of France.

It is the desire of Her Majesty's Government, it is the desire of the Spanish Government, it is the desire of some of the other foreign Governments, that the integrity of His Shereefian Majesty's dominions should be preserved and His Shereefian Majesty's independence be maintained. His Shereefian Majesty must not, therefore, take undue alarm at the warning I have ventured to give. Let His Shereefian Majesty continue to follow a peaceful and conciliatory policy with France and all her allies. Let His Shereefian Majesty take more decided and more energetic steps than he has hitherto done to introduce reforms, and to improve his finances by the removal of restrictions on trade, on which subject I have addressed another Memorandum for the consideration of His Shereefian Majesty.

(Signed) J. H. DRUMMOND HAY

Tangier, November 13, 1883.

Note.—I sent by same courier a Memorandum to be presented to the Sultan, requesting that the prohibition on the exportation of wheat and barley be taken off, as there is an abundant harvest this year. See my despatch No. 14, Commercial, of the 15th November, 1883.—J. H. D. H.

No. 191.

Sir R. Morier to Earl Granville. — (Received November 24.)

(No. 175. Most Confidential.)

My Lord

Madrid, November 20, 1883.

KNOWING how entirely Señor Ruiz Gomez is of one mind with Her Majesty's Government as to the policy to be pursued respecting Morocco, I had no hesitation in referring to His Excellency extracts from Sir John Drummond Hay's despatch No. 92, September 1883, which, having been addressed to me under the seal, I have now the pleasure to forward to your Lordship.

His Excellency who, I assure you, is in perfect agreement with Sir John Drummond Hay's views, remarks that in his opinion the way France was going in. It was, he said, the best thing that could be done for Spain, and that the Spanish Government should not be afraid to take the lead in this matter. He said that the idea of a joint Franco-Spanish expedition to Morocco was a very good one, and that the people would, at the prospect of French intervention in Morocco, take to the sea, and that the "revers de la médaille" to Spain would be the assistance to the great German colossus. He, Señor Ruiz Gomez, was doing all he could to put the relations of Spain with France on a good footing, and to ward off the dangerous temptations held out from Berlin, and France seemed bent on doing all she could to render his efforts futile.

Talking on the subject of Morocco, I thought the opportunity a good one to elicit an opinion on the idea thrown out by Sir John Drummond Hay, of an Agreement by which no Power should be permitted to occupy any part of the coast of Morocco.

I said that there were three Powers who, in public estimation, were supposed to have made up their minds at one time or other to annex Morocco, viz., France, Spain, and Great Britain. His Excellency knew right well that this was an idea that I never crossed the mind of any British statesman, and that what was at stake was the peace of the Moorish Empire and the liberty, peace, and quiet of the mouth of the Mediterranean. His Excellency, I knew, was equally of opinion that Spain should abstain from all attempts at territorial acquisition on the other side of the Straits. France, on the other hand, made no secret of her wishes.

Should Spain and Great Britain, therefore, take up the idea suggested, they would have the appearance of proposing a self-denying Ordinance which would carry great weight as against a Power whose bad conscience on the subject might render it difficult for her to refuse her adherence.

I only suggested the idea as my own and one of the academical kind, but his Excellency was at once taken by it, and said, "Eile mérite au moins d'être très sérieusement mise à l'étude."

I was very glad to see that his Excellency, who had only lately had time to work through the correspondence from Señor Diodado, observed that he had gathered from

it the highest opinion possible of that Minister, whose views entirely agreed with his own.

I have, &c.
(Signed) R. B. D. MORIER.

No. 192.

Viscount Lyons to Earl Granville. — (Received November 24.)

(No. 794.)

My Lord,

Paris, November 22, 1883.

I HAVE this morning the honour to receive your Lordship's letter of the 16th instant, and to be glad to be able to represent to the French Government on the subject of General Benayad's property at Fez.

I enclose a copy of a note which I have to consequence addressed to the French Minister for Foreign Affairs.

I have, &c.
(Signed) LYONS.

Inclosure in No. 192.

Viscount Lyons to M. Jules Ferry.

M. le Président du Conseil,

Paris, November 22, 1883.

HER Majesty's Government have given their best attention to the note which your Excellency did Mr. Plunkett the honour to address to him on the 17th September last, and in which you were so good as to make him acquainted with the substance of Reports which you had received from Baron d'Estournelles on the 14th September, 1883, by French citizens of a piece of ground at Fez belonging to General Benayad. Her Majesty's Government have given their best attention to the matter, and Mr. Reade, Her Majesty's Agent and Consul-General at Fez, has been instructed to discuss the matter with Mr. Benayad.

Mr. Benayad's story is very simple, and it is entirely true that the ground in dispute is a piece of land which belongs to the French Government, and which is now in the possession of General Benayad.

Her Majesty's Government have given their best attention to the matter, and Mr. Reade, Her Majesty's Agent and Consul-General at Fez, has been instructed to discuss the matter with Mr. Benayad. The French Government have given their best attention to the matter, and Mr. Reade, Her Majesty's Agent and Consul-General at Fez, has been instructed to discuss the matter with Mr. Benayad.

In the meantime, it is clear that M. Marchal's efforts to gain possession of the ground by force are illegal, and calculated to produce breaches of the peace, and Her Majesty's Government have given their best attention to the matter, and Mr. Reade, Her Majesty's Agent and Consul-General at Fez, has been instructed to discuss the matter with Mr. Benayad.

I have, &c.
(Signed) LYONS.

No. 193.

Earl Granville to Mr. Reade

(No. 800.)

(Inclosure.)

Foreign Office, November 24, 1883, 1:50 p.m.

WITH reference to my telegram No. 7 of 19th instant, furnish as soon as possible a complete list of all outstanding British claims, in form fit for presentation to French Government, who have asked for it.

Earl Granville to Viscount Lyons.

(No. 1125.)

My Lord,

Foreign Office, November 24, 1883.

I ENCLOSE herewith, for your information, copy of a despatch from Her Majesty's Agent and Consul-General at Tunis,* reporting upon the complaint made by the British mercantile community at Sfax that their business operations with the natives are interfered with by the local authorities.

All particulars respecting their grievances will be found in Mr. Reade's despatch, and it will be seen that he has already called the serious attention of the Tunisian Government to the matter.

It is, however, my wish that your Excellency should yourself bring this case to the notice of the French Government, and endeavour to bring from them an engagement that all obstruction on the part of the local authorities shall be removed, and practical assistance afforded to the Sfax merchants to enable them to carry on their legitimate business operations.

Your Excellency should further intimate to the Minister for Foreign Affairs that this case, although from its nature it appears to necessitate a special representation, must still be regarded as one of those outstanding claims which, as I explained to M. Waddington in my letter of the 16th instant, Her Majesty's Government look to being satisfactorily closed before they can consent to definitively surrender their rights of Consular jurisdiction in Tunis.

I am, &c.
(Signed) GRANVILLE.

No. 195.

Sir J. Drummond Hay to Earl Granville.—(Received November 26.)

(No. 93.)

My Lord,

Tangier, November 19, 1883.

I OBSERVE in the public journals that a telegram from Tangier is published, reporting that a brutal assault had been committed by a Mahommedan on the French Chargé d'Affaires, M. Montfrax.

As the latter report might be attached to the account given by the papers to the incident, which I of course attribute to an outbreak of fanaticism, I think it right to put your Lordship in possession of the facts of the case, as brought to my knowledge.

The French Chargé d'Affaires, M. Montfrax, was taking a walk on the 14th instant in the outer market, accompanied by Mr. J. J. de la Serna, one of the Spanish Secretaries of Legation. It was the Mahommedan fan he struck the Ashkenazim Tithe and M. Montfrax went on that day to have terrabouts and order games in the market place, in which Christians and Jews are not allowed to join. Some Jews approached the boys at the games, and the latter commenced throwing stones, one of which struck by accident M. Montfrax. Fortunately, he was not hurt, he rushed in amongst the Mahommedan youths, and struck seven. The boys did not retaliate, but ran away.

A message was sent by M. Montfrax to the Governor of the town to demand satisfaction. The Basha, it is reported, replied that he would take steps to arrest the boys who had thrown the stones.

It appears that M. Montfrax, being dissatisfied with the Basha for not having shown more energy, complained to the Moroccan Minister, and demanded, not only the arrest and punishment of the boys, but the payment of 1,000 dollars to be given in charity by M. Montfrax to the poor, and the dismissal of the Basha.

I learn that the Basha called at the French Legation on the 19th instant, expressed his regret at what had occurred, and paid the 1,000 dollars.

I am glad to learn that the question has been arranged, but it is to be regretted that, on account of a mere accident, such an exaggerated satisfaction should have been exacted. It is, however, the habit of French officials, in dealing with a weak Government and people, to impose their will in an arbitrary manner.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

* No. 167

Mr. Reade to Earl Granville.—(Received November 27.)

(No. 28.)

(Telegraphic.)

Tunis, November 26, 1883.

WITH reference to your Lordship's telegram No. 4 of the 24th, I am engaged in preparing a complete list of British claims as required. I beg nevertheless respectfully to suggest that Benayad's claim against the Tunisian Government for the invasion of his property by M. Maréchal [?] and the Messrs. Otto [?] Farina outrage may be treated independently of other cases. French policy here has always been to do nothing by appearing to wish to settle all pending matters simultaneously.

No. 197.

Mr. Reade to Earl Granville.—(Received November 27.)

(No. 29.)

(Telegraphic.)

Tunis, November 26, 1883.

A BAD case of British property violently taken from its owner has occurred, in which I have failed to get justice done. The proprietor there is named Benatar [?]; if restored to the peaceable possession of the property which he has purchased and cultivated and built upon for the last three years, is prepared to defend his rights before Tribunal of the Sharan [?] against all pretensions. I respectfully suggest that, pending decision of competent Court, French Government may be moved to order that the British subject be restored to occupancy of the property; his separation from it, particularly at this season, prejudicial to himself, and damaging to British interests generally. The aggressor, H. J. [?], is a nephew of Prime Minister's steward.

No. 198.

Mr. Reade to Earl Granville.—(Received November 27, 11-30 P.M.)

(No. 30.)

(Telegraphic.)

Tunis, November 27, 1883, 4 P.M.

PRIME MINISTER has asked me to send four British subjects to give evidence in the case of Benatar [?] to assist on French side. I have expressed readiness to send, provided I can assure Benatar that the person to be tried is not a British subject.

No. 199.

Earl Granville to Viscount Lyons.

(No. 1138.)

My Lord,

Foreign Office, November 27, 1883.

I HAVE received your Excellency's despatch No. 794 of the 22nd instant, and I have to state to you that I approve the note which you addressed to the French Government on the subject of General Benayad's property at Tunis, of which a copy was enclosed in your despatch.

I am, &c.
(Signed) GRANVILLE.

No. 200.

Earl Granville to Mr. Reade.

(No. 26.)

Sir,

Foreign Office, November 27, 1883.

I HAVE received your despatch No. 25 of the 8th instant, reporting the circumstances under which a store at Porto Farina, occupied by a British subject named Giuseppe Canilleri, was forcibly entered by officers and employees of the Tunisian Government, and certain goods found therein seized, on the pretext that they had been smuggled into the country.

It appears from the correspondence that the premises occupied by Camilleri were situated in the disused arsenal of Porto Farina, that they were not rented from the Government, but that he was allowed to occupy them.

It follows that the premises did not belong to M. Camilleri, but to the Tunisian Government. There is much force, therefore, in the contention of the French Minister, that there has been no violation of a British domicile within the meaning of the Treaty.

As regards the seizure of the salt and garlic found in the store on the ground that the goods are of foreign origin, and must, therefore, have been smuggled into the country, it appears to me that your remonstrance was well founded, for it does not follow that Camilleri may not have been an innocent purchaser of the goods, and the Tunisian authorities had no more right to confiscate his property on the ground of its having been smuggled than they would have had on the ground of its having been stolen, without first convicting him of the offence before the competent Tribunal.

The case seems to come within Articles XX and XXVI of the British Treaty of the 19th July, 1875.

I should be glad to receive a further Report from you on the case before making any representation to the French Government.

I am, &c
(Signed) GRANVILLE

No. 201.

*Sir J. Pouncefote to Count Bylandt **

(Confidential)

SIR JULIAN PAUNCEFOTE presents his compliments to Count Bylandt, and, with reference to his verbal inquiry of the 24th instant, has the honour, by Earl Granville's direction, to transmit herewith, for his confidential information, a précis of the communications between the British and French Governments respecting the establishment of French Tribunals in Tunis, and the proposed abrogation of foreign Consular jurisdiction †

Foreign Office, November 27, 1883.

No. 202

Mr. Reade to Earl Granville.—(Received November 29.)

(No. 57.)

My Lord,

Tunis, November 19, 1883.

I HAVE the honour to report that Her Majesty's ship "Condor" took her departure for Malta yesterday.

In the absence of sufficient cause for detaining her in these waters, I did not feel myself justified in detaining her.

I am, &c
(Signed) THOMAS F. READE

No. 203.

Mr. Reade to Earl Granville.—(Received November 29.)

(No. 58.)

My Lord,

Tunis, November 22, 1883.

WITH reference to my despatch No. 56 of the 11th instant, in which I reported upon the late arrest of a British subject by French military authorities and subsequent violation by the same authorities of a British domicile, I have the honour to submit the accompanying copies of two further letters that have passed between the French Residency and myself in connection with those incidents.

In order that the military inquiry which is being held with reference to the assault and disarming of two French soldiers may be brought to some practical conclusion, a request has been addressed to me for the arrest and interrogation of five British subjects, who are alleged to have either witnessed or taken part in the assault.

* Also to M. de Catalani.

† No. 177.

No. 201*

Messrs. McNaught, Pearce, and Middleton to Earl Granville.—(Received November 28.)

My Lord,

9, Crashy Square, London, November 27, 1883.

WITH reference to the various communications we have had the honour to make to your Lordship upon the question of the treatment received at the hands of the Moorish Government, we now beg to notify that the gentleman who proceeded to Tangier with a view to lay our case before the Moorish Government with the assistance of Her Majesty's Ambassador, has returned to London, and has received from his Excellency Sir Leo Darnley, Bt., a letter, which we have handed, notwithstanding the fact that every authority on the question who has been consulted the Moorish Government gave it as their opinion that a direct violation of British subjects had been committed, and that were the claim in the lands of French, Spanish, or Italian subjects, it would have been immediately enforced by their respective Governments.

Since it appears, my Lord, we have failed to convince you of the justness of our claim, we are preparing a pamphlet embodying all our proofs, and in due course a copy will be forwarded to your Lordship and to all the centres of commerce in England, and simultaneously steps will be taken to bring the matter prominently before Her Majesty's Government in the House of Commons, as it appears this is the only method to adopt to obtain any redress for the robbery of our goods and the imprisonment of our servants.

We take the liberty most earnestly to call your Lordship's attention to the fact that whilst British influence has been checked in the South of Morocco, the Spaniards have acquired and are about to take possession of the port of the Sids and North African Trading Company, and to take possession of the whole of the trade of this important port, to the detriment of British commerce. In view of this, we most respectfully request that the Government should take steps to enforce the clause in the Madrid Treaty which stipulates that no servant of any British subject shall be imprisoned without an inquiry being instituted before the Consul under whose protection he may be.

We have, &c
(Signed) MCNAUGHT, PEARCE, AND MIDDLETON,
Agents to the Sids and North African Trading
Company (Limited)

For reasons which I trust will be approved by your Lordship, it was not in my power to comply with M. Cambon's wishes.

An application for the assistance of Her Majesty's Consulate made under circumstances which we hold to be urgent and of the highest degree objectionable is certainly remarkable. In the present case, as shown by the above, as revealing an apparent conservatism of the authorities of the position which the officers of the Consulate have assumed. If the latter were just shown among the individual cases of Papuan why, it is asked, do they not take the five other heretofore subjects into custody?

(Signed) PHOS. F. READE.

Inclosure 1 in No. 203.

W. Combs to Mr. Reade

M l'Agent et Consul-Général,

Tunis, le 17 Novembre, 1893.

DANS la soirée du 7 de ce mois, une agression a été commise contre un caporal et un soldat de Zouaves du corps d'occupation, dans le quartier de Sidi Abdallah Guech, à Tunis.

Il résulte de la procédure que le défendeur, qui se présente sous l'identité de son véritable nom, a été condamné par la Cour d'appel de Montréal à une peine de prison et à une amende, pour avoir obtenu, par fraude, le gain de la loterie de l'État du Québec. Le défendeur a été condamné à une peine de prison et à une amende, pour avoir obtenu, par fraude, le gain de la loterie de l'État du Québec.

Les assesseurs de la Cour se sont réunis en audience publique devant l'auditoire de votre Consulat, à 10 heures, pour les questions respectives sur le fait en question. Les interrogatoires ont eu lieu sous le plus bref délai possible.

PAUL CARBON

October 2003

$$M = H^0(\mathcal{O}_X) \oplus H^1(\mathcal{O}_X) \oplus H^2(\mathcal{O}_X) \oplus H^3(\mathcal{O}_X)$$

Sir

$$T_0 = \text{N}(\mu_{T_0}, I_0) = 0, \quad s.s.,$$

I HAVE the honor to acknowledge the receipt of the above letter of the 17th inst. & request that you inform British subjects there who have been interrogated by the competent authorities as to whether they have been involved in an assault perpetrated upon the two English soldiers, and if so, on what date and at what repository for food. R. de la Haza, Governor of the Province of Her Majesty's Consul and Consul, El Encarnacion, from whom a reply, if available, may be obtained, is a copy.

It will be seen that as a company's net debt falls, so will its average debt to capital ratio. This is not according to Fama and French's theory, but it is not surprising that they can be seen in the picture. The ratio of net debt to capital is not a good measure of a company's component to its value, as the ratio

I may add that the Michele and Paolo, to whom you allude, are not by that designation known to this Consulate, and can only be arrested on being personally identified by their neighbors and the authorities. The Consulate has no knowledge of Michele and Paolo, and has no knowledge of the persons who were liberated with the assistance of the latter, who expressed themselves as having had nothing whatever to do with the affair.

I have, &c.
Signed) THOMAS F. READE.

Sir,

THUR. November 19, 1883.

1904, November 10, 1880.
WITH reference to the French Minister Resident's letter to you of the 19th instant, requesting that the evidence of certain British subjects therein mentioned taken by Her Majesty's Consular authority and returned to us. Firstly, in connection with an assault committed on two French soldiers, in which the latter were either parties or witnesses, I have the honour to say that, in the case of parties accused, the law of England does not permit a judicial officer to take the evidence of a criminal as requested, and that with regard to the case of witnesses, M. Cambon's request could only be complied with by summoning the British subjects to appear in the usual way before the French authorities as witnesses at a trial opened by a judge competent to adjudicate.

I have, &c.
(Signed) F. ARPA.

No. 204

Earl Granville to Viscount Lyons

No. 17' (6.)

[illegible]

His majesty's Attorney General, Sir John Leach, appeared for the Crown, and Mr. Serjeant Bland for the property. The subject of the case was a bill of exchange, drawn by a nephew of the Prime Minister's steward, and payable to the order of the defendant in the matter.

The proprietor declares himself prepared to defend his rights before the local authorities against all claimants, provided that he be in the meanwhile reinstated in the peaceful possession of the property in question, which he has cultivated and built upon for the last three years.

Mr. Rondo suggests that the French Government should be asked to send out instructions to their Representative in Tunis for the immediate restoration of Benatar to the occupancy of the property, pending the decision of the competent Court, and I have to request that your Excellency will lose no time in making a representation in that sense to the French Government.

I am, &c.
(Signed) GRANVILLE

No. 205.

Sir J. Pannicoffe to the Secretary to the Admiralty.

514

Foreign Office, November 29, 1883.

I AM directed by Earl Grant, 1 to transmit to you, to be laid before the Lords Commissioners of the Admiralty, for their Lordships' information, copy of a despatch, as marked in the margin,* from His Majesty's Agent and Consul-General in Tunis, reporting the departure of His Majesty's ship "Condor" for Malta.

(Signed) JULIAN PAUNCEFOTE.

Sir J. Parnesfote to the Law Officers of the Crown and Dr. Deane.

Gentlemen,

Foreign Office, London, 24 July 1882

I HAVE the honour to transmit to you, by direct^{on} of the Secretary of State, the papers noted in the accompanying list,* which relate to the Act agreed to by the Finance Commission for the settlement of the Tunisian debts signed at Tunis on the 23rd March, 1870, or to the new financial regime which it would operate from that date, and to the new financial regime which it would operate from that date, and to the new financial regime which it would operate from that date.

And he does at this Court upon this subject, and he has a right to do so, and he desires of knowing the views of that of Her Majesty with respect to the proposed action of the French Government."

I am so drawn by the beauty of the world to I feel we do not miss it.

1. Act of Finance Commission.
2. Mr. Read's No. 100 and enclosure.
3. Mr. Plunket's No. 500 and enclosure.
4. Ditto, No. 631.
5. Article VII of the Treaty between France and Tunis of the 12th May, 1881.
6. Lord Granville to Lord Lyons, two despatches, 2nd May, 1881, and "Tunis No. 681," pp. 52 and 55-56.

In the absence of more definite information, and of any direct proposals from the French Government up to the present moment upon this subject, Lord Granville is scarcely prepared to express a formal opinion upon the bearings of the proposed plan of procedure, but as the question raised by the British Government of the future of the process will soon arise, I am to request the vote of the Chamber to be taken in favour of the plan of your consideration, and to express the opinion of the Chamber that the Government should not be bound to the existing law, but that the Government should be at liberty at times when it does not possess the power to fulfil the conditions of the *proposo mto*, on payment in full of the debt, if it is to exercise the right of redemption, although it is provided that the debt should be paid in full.

This appears, from Mr Phillips's knowledge, to be the contention of M. Belot.

I am, Sir
(Signed) JULIAN PAUNCEFOLD

No. 42

Discount Lyons to East Gravelle, — Received December 1.

(No. 504)

My father

Nov., November 20, 1883

No. 1125 of the 24th instant, directing me to bring to the notice of the French Government the complaint of the French Government against the French Government at Stax of the misconduct, so far as they are concerned, of the French Government at Stax of the

I enclose a copy of a letter from the French Minister for Foreign Affairs.

I have, &c.
(Signed) LYONS

[illegible]

Inclosure in No. 207

Viscount Lyons to M. Ferry.

M. le Président du Conseil,

Paris, November 29, 1883.

THE attention of Her Majesty's Government has been called to complaints made by the British mercantile community at Sfax of the difficulties with which they have to contend in the transaction of their business with the natives, in consequence of the misconduct, so far as they are concerned, of the local Tunisian authorities. The disinclination on the part of the authorities in question to assist British subjects in the recovery of sums due to them from periods anterior to the bombardment, and the unsolicited interference of those authorities with the business relations between British and Tunisian subjects, are indeed stated to be matters of public notoriety.

A strong representation on the subject has been already addressed to the Tunisian Government by Her Majesty's Agent and Consul General, but Her Majesty's Government desire to bring the matter also to your Excellency's notice in the hope of obtaining from the Government of the French Republic an assurance that all obstruction on the part of the local authorities will be removed, and that the assistance should be afforded to the British community in Tunisia in the transaction of their business operations.

This case, although from its nature it appears that Her Majesty's Government to necessitate a special representation, is a matter of the ordinary standing of the law, and it is therefore a matter which should be brought before them before they can consent to any action on the subject.

I have, &c.
(Signed) LYONS

No. 208.

Viscount Lyons to Earl Granville.—(Received December 3.)

(No. 817.)

My Lord,

Paris, December 1, 1883.

I HAVE this morning had the honour to receive your Lordship's despatch No. 1156 of the 20th ultimo, directing me to address a representation to the French Government on the subject of the violent seizure at Tunis of the property of a British subject of the name of Benatar, by a nephew of the Prime Minister's steward.

I enclose a copy of a note which I have in consequence sent in to the French Minister for Foreign Affairs.

I have, &c.
(Signed) LYONS

Inclosure in No. 208.

Viscount Lyons to M. Jules Ferry.

M. le Président du Conseil,

Paris, December 1, 1883.

Her Majesty's Agent and Consul-General in Tunis has reported, by telegraph, to Her Majesty's Secretary of State for Foreign Affairs, that a case has occurred in which the property of a British subject, named Benatar, has been violently seized by a nephew of the Prime Minister's steward.

Her Majesty's Agent in Tunis reports that he has failed to get justice done in the matter, and he states that the proprietor declares himself prepared to defend his rights before the local Tribunal at Sfax, provided that he be in the meanwhile reinstated in the peaceable possession of the property in question, which he has cultivated and lived upon for the last three years.

Her Majesty's Government direct me to ask the French Government to send out to the French Representative at Tunis instructions for the immediate restoration of Benatar to the occupancy of the property pending the decision of the competent court, and I do myself the honour to recommend the matter to the prompt consideration of your Excellency.

I am, &c.
(Signed) LYONS

No. 209.

Mr. Reade to Earl Granville.—(Received December 4.)

(No. 39.)

My Lord,

Tunis, November 24, 1883.

WITH reference to General Benayad's complaint as to a trespass on his property at Jedida, which forms the 7th inclosure of my despatch No. 52 of the 1st instant, a series of official communications were exchanged between the French Resident and myself, of which I have the honour to submit a copy for your Lordship's consideration.

Benayad had already been the victim of various high-handed and illegal acts on the part of the local authorities when the incident in question took place. As one of the principal proprietors of the country he has long been an object of the envy and opposition of the local authorities, who, in fact, have been endeavouring to deprive him of his property, and to add it to the State domain, or of merely impairing his credit and reputation, certain it is that, for some time past, he has been the subject of a series of attacks on the part of the local Tribunals, which have been directed against him on the ground of the nature of the charges put forward, and which have been found to be unfounded. It is true, however, the attack has not been directed against him as a private individual, but as a public servant, as well as the rights of Benayad, called for consideration. The outrage at Jedida, which forms the special subject of this communication, is a further instance of the same kind.

It will be seen that the offence was not one of much importance, and that it was not a case of violence, but that no reparation was offered. For this reason, I did not deem it necessary to bring the matter to the notice of the Resident, as it was not a case of violence, and it was not a case of violence, and it was not a case of violence. It was a case of violence, and it was a case of violence, and it was a case of violence.

That reply, and the counter-charge (of violating olive trees that belong to the State) which, with a view to palliate and excuse the act of trespass, I have brought against General Benayad, I beg to leave to your Lordship's consideration. I may be permitted, however, to hope that even should the case be brought before the scandalous proceedings of the chief aggressor, the local authorities, and the local Tribunal, which has been directed against him on the ground of the nature of the charges put forward, and which have been found to be unfounded, it will be a case of violence, and it will be a case of violence, and it will be a case of violence.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 209.

Mr. Reade to Baron d'Estournelles

Sir,

Tunis, 1st Dec. 1883.

I HAVE the honour to transmit to you the accompanying copy of a despatch from the French Resident at Tunis, dated the 24th ultimo, in which he complains of what appears to have been a trespass on the property of a British subject, named Benatar, by a nephew of the Prime Minister's steward. I have the honour to submit a copy of the despatch for your Lordship's consideration. I may be permitted, however, to hope that even should the case be brought before the scandalous proceedings of the chief aggressor, the local authorities, and the local Tribunal, which has been directed against him on the ground of the nature of the charges put forward, and which have been found to be unfounded, it will be a case of violence, and it will be a case of violence, and it will be a case of violence.

* Among the Government correspondents.—T. F. R.

2 T

you with any detailed comment upon the extraordinary and uncalled-for procedure of the accused parties.

As the guardian, however, of British property and interests in the Kingdom, I must beg to add my solemn protest to that which is now recorded in the accompanying paper, and I request that a strict and searching inquiry be forthwith held into all the circumstances of the alleged outrage, so that if, after due investigation, the charges which are now preferred against the "Oukil" of the "Sadekia" be substantiated, redress may be accorded to my "administré" in a form that will serve as a fitting example to prevent the repetition of similar proceedings in future.

Should a Commission be appointed to verify the facts now alleged against the Sadekia and its employés, I venture to suggest that, with a view to prevent, as far as possible, any misunderstanding as to the details of the inquiry, an officer of this Office, and some person representing Sid Hamida Benayad himself, be permitted to accompany the Commission.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 2 in No. 209

General Hamida Benayad to Mr. Reade.

M. le Consul-Général,

Tunis, le 24 Juillet, 1883.

J'ai l'honneur de vous exposer ce qui suit.

Le 19 de ce mois, "l'Oukil" de la Sadekia, M. Chik Salah ben Chik Ahmed, accompagné de deux notaires et de deux Amins de Tebourba, a pénétré, par un chemin, dans la propriété que je possède à Jedida, sous le prétexte de vérifier si j'avais enlevé des oliviers dans mon jardin.

Le même Chik s'est rendu chez le Cadi de Tebourba pour le prier d'obliger certaines personnes à déclarer qu'en effet des oliviers avaient été arrachés. Le Cadi n'a point voulu se prêter à une pareille manœuvre.

Je viens protester contre ce procédé, qui constitue une violation flagrante du Traité intervenu entre le Gouvernement Tunisien et le Gouvernement Britannique, et en vertu duquel aucun agent Tunisien ne peut, pour quelque motif que ce soit, pénétrer dans une propriété Anglaise sans que le Représentant de Sa Majesté Britannique ait, au préalable, donné l'autorisation à cet effet. De plus, la présence du propriétaire et d'un Drugman du Cadi est obligatoire au moment de la perquisition.

Outre cette violation de Traité que j'ai l'honneur de vous signaler, je vous ferai remarquer que si de pareils actes étaient tolérés, nos familles ne seraient plus en sécurité chez elles.

Je vous serai très reconnaissant, M. le Consul-Général, de vouloir bien intervenir auprès des autorités compétentes, afin que des mesures de rigueur soient prises contre l'Oukil de la Sadekia.

En outre, je rends le Gouvernement Tunisien responsable des pertes et dégâts que j'ai subis par le fait de l'Oukil de la Sadekia, comme j'entends le rendre responsable de tous les dommages qui m'ont été occasionnés depuis quelque temps.

Je vous prie d'agréer, &c.
(Pour le Général Hamida Benayad),
Signé ARLES PIETRI, Avocat Défenseur.

Inclosure 3 in No. 209

Mr. Reade to Baron d'Estournelles.

Sir,

Tunis, August 20, 1883

NOT having received any reply to a letter which I had the honour to address to you on the 26th of last month, with reference to an act of trespass perpetrated on property belonging to General Sid Hamida Benayad, at Jedida, by an "Oukil," or Agent of the Sadekia, named Sheikh Salah Ben Sheikh Ahmed, and a party of notaries and "Amins" (Surveyors) from Tabourba, I regret to have to bring the matter once more to your

notice, and trust that the illegal and injurious nature of the proceedings complained of will be accepted as an excuse for my thus again troubling you.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 4 No. 209

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général,

Tunis, le 26 Septembre, 1883

VOUS m'avez fait l'honneur, à la date du 24 Juillet dernier de me transmettre une protestation contre l'Oukil des Biens du Collège Sadiki, qui au dit jour s'est sans droit sur un terrain appartenant, à titre "denzel," au General Hamida Benayad à Jedida.

Des la réception de cette protestation le Gouvernement s'est occupé de la résoudre. Afin d'être en mesure de le faire, j'ai l'honneur de vous adresser ci-joint les copies des papiers qui ont été remis à cet effet au "toudja" chef de la plainte de votre administré. De l'examen de ces documents il résulte que le General Benayad n'est point fondé dans sa réclamation; qu'il a, de plus, contrevenu un décret beyen interdisant tout défrichage sans autorisation d'oliviers; et qu'il s'est approprié une partie de la terre à la jouissance d'un autre.

Quoiqu'il en soit, l'Administration des Biens du Collège Sadiki réclame au General Benayad le paiement des 300 pieds d'oliviers qu'il a arrachés de la plantation de "Semet el Tout" et la restitution par lui de la terre qui a été défrichée.

Je vous serai obligé de vouloir bien transmettre ces documents au General Hamida Benayad et de lui recommander de les faire examiner par le Gouvernement.

Je vous prie d'agréer, &c.
PAUL CAMBON

Inclosure 5 in No. 209

Mr. Reade to M. Cambon.

Excellency,

Tunis, September 27, 1883.

I HAVE the honour to acknowledge the receipt yesterday of a letter without date from your Excellency, replying to a complaint which it became my duty to address to the Agency on the 20th July last, respecting the violation of some property situated at Jedida, and belonging to General Sid Hamida Benayad, by a party of notaries, Amins, and others, under the immediate orders and direction of an Oukil of the Sadekia Administration.

In answer to the above charge, a copy of a "toudja" was written (see enclosure) from the accused parties are transmitted for my information. From these papers it appears that the Oukil, Sheikh Salah Ben Sheikh Ahmed, did not personally remove any olive trees from Benayad's property, but that an agent of his did so, under orders from the Cadi. The Oukil admits, however, that he went to Jedida and Tabourba and that he remained there two days, but that he came away without having obtained from the Cadi. Whether, however, the acts were perpetrated by the principal or subordinate Oukil, it is a violation of the property did take place, as set forth in the original letter of the 21st July last. General Benayad being amenable only to the jurisdiction of the Consular Court, it is only necessary I should add that the Cadi had no power to give any order of the kind he is alleged to have done.

It is, therefore, with regret that, on perusing your Excellency's letter, I am obliged to offer whatever of redress for the arbitrary and illegal proceedings of the Oukil of the Sadekia, but, on the contrary, a demand on behalf of that Administration for the value of 300 olive trees which Benayad is alleged to have rooted up from a property called "Semet el Tout," and the restitution of the ground on which those trees stood to General Benayad, to whom I have communicated the papers inclosed in your Excellency's letter, will in due time reply to the accusation, which is now, for the first time, referred against him of eradicating olive trees; but your Excellency will under-

stand that General Benayad's reply, which forms a separate enclosure

Louange à Dieu!

Les deux témoins du présent déclare connaître les cinq témoins ci-dessus d'une façon valable et légale. En outre, ils attestent qu'ils sont tous gens de bonne foi.

Tout ce qui dessus est à leur connaissance, et ils en donnent leur témoignage qui leur a été demandé à la date et par l'ordre que dessus.

Attesté par le généreux, l'illustre Mahmoud ben Said ed Draudy, des habitants de Kantam el Djelida, connu, digne de foi.

Attesté par le généreux, l'illustre Amar ben Salem el Anouny des habitants d'El Djelida, connu, digne de foi.

Doit être exécuté de l'an 1300.

A l'acte de cet acte se trouve l'empreinte d'un sceau de forme ovale, au milieu duquel on lit: "San Servo" Mohamed el Chady ben Salah.

Un marge de cet acte se trouve la mention suivante écrite de haut en bas.

Par ordre d'autre part, les témoignages d'autre part a été rédigés à la date d'autre part.

(Suivent deux signatures paraphées illisibles.)

Tunis, le 11 Novembre, 1883.

Pour traduction libre et conforme.

No. 210.

Mr. Reade to Earl Granville.—(Received December 4.)

(No. 60.)

My Lord,

Tunis, November 21, 1883.

IN connection with certain of the subjects of complaint that are referred to in my despatch No. 52 of the 1st instant, some further communications have passed between the French Residency and myself, which I regret to have to bring to your Lordship's notice, and of which I have the honour to annex copies.

A request I some time ago received from M. Cambon, to furnish him with a list of complaints that had been addressed to his office, but to which I had not been favoured with a reply, led to this correspondence, and being of a political nature, as well as unproductive of any satisfactory result, I submit it with much reluctance, to your Lordship's consideration.

Although relating but partially to the subjects of my past reports, I have felt it may be well to place the whole correspondence before your Lordship, instead of transmitting only such extracts of it as refer to matters already dealt with in other despatches.

Upon certain of the cases mentioned in my report No. 52, and notably upon that of "Benayad v. the Municipality," which forms the 3rd inclosure of that report, some further light is thrown, M. Cambon's conclusions being especially remarkable when treating of the powers of Tunisian functionaries, whether as municipal agents appropriating private property, or as overseers of State domains visiting olive plantations under lease to private individuals who are not amenable to the local jurisdiction. Doctrines in connection with this subject which he has not hesitated to enunciate, and which, in the case of three or four British subjects, have actually been carried into effect, I have felt it my duty to dissent from, as opposed to Treaty and established usage, and in an especial degree compromising to the peace and tranquillity of Her Majesty's subjects.

Having in a former despatch (No. 52 of the 10th June last) remarked upon the arbitrary proceedings of the Tunisian authorities, I have occasion to refer to those proceedings as the cause of much difficulty in the relations subsisting between them and myself. If the Inspector-General of Public Works (a Frenchman who is personally in charge of the whole municipal administration) will not keep within the limits of Treaty, and chooses to disregard all the rights of property, it will be impossible for me to compel British subjects to pay the carriage and other taxes, or mulct them for contravention of municipal regulations.

Of M. Caillat, who is mentioned in the accompanying papers, I may say that he is an officer attached to the Municipality; and that, although I had had occasion to complain of the terms in which a public document he had drawn up was concluded, no notice was taken of the matter, and I consequently declined to hold any further communication with the Municipality except through the channel of the Residency.

M. Cambon complains of difficulties attending the prosecution of offenders against the Municipal Regulations. The process to be gone through is not as expeditious,

per se, or free from formality, as he would desire, and as, owing to a new organization of the Municipality Regulations which have long been obsolete are at last revived, charges are brought still more onerous than before, say or sixty Maltese. The Consular Court is not engaged with the ordinary business, which is always considered as well as the ordinary business of the Consulate.

To meet the unexpected pressure of the day, I suggested that the Municipality or "Vice" Department cases should be taken to the "Mokhtalat," a minor Court established some years ago with the assistance of the Representatives of England, France, and Spain for the adjudication of claims that did not exceed 300 piastres, or about 7½ l. 10s., and at which interpreters or other officers representing the French, Spanish, and British Consulates took part under the presidency of a Tunisian official.

Whether it is that the business of this Court was supposed to clash in any way with that which is transacted before the French Tribunal, I cannot say; but M. Caillat strongly dissented from my suggestion, and an easy, expeditious, and certain mode of dispatching all the cases to which I have particularly referred was thus unfortunately discarded.

It is sometimes urged, my Lord, that the state of municipal affairs in Tunis is a fair argument in favour of the abolition of Consular jurisdiction. I have therefore felt it may be your Lordship's desire to be informed as to the foregoing particulars.

Of the other matters of which mention is made in the inclosed correspondence, such as the claims of the Messrs. Benatar and of the families of the victims of the massacre of the Zargha and the Kairwan Road, I have only to say they are dealt with in other despatches.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 210.

Mr. Reade to M. Cambon

Excellency

Tunis, September 21, 1883.

CONFORMABLY with the request contained in your official letter of the 10th instant, I have the honour to inclose herewith a list of some of the matters pending before the Office and the Tunisian Government, regarding which I have not had the advantage of your reply.

I must add, however, that, in addition to the cases mentioned, there are several others, belonging chiefly to the latter half of the year 1881, and relating in a great measure to affairs on the coast, to which it will be my duty at a later date to recall the attention of the Tunisian Government.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 2 in No. 210.

List of Cases submitted to the Tunisian Government through the Ministry for Foreign Affairs, to which no reply has been received by Her Majesty's Representative.

1. BENAYAD v. the Municipality (violation of property in the Marina quarter of the city of Tunis). Vide Mr. Reade's letter of the 1st April, 1883.

2. Affair of M. Caillat's *procès-verbal*, as transmitted with letter from French Residency of the 10th June, 1883. Vide Mr. Reade's letter of the 12th June, 1883, and reference contained in his letter of the 3rd August.

3. Violation of property belonging to General Benayad at Jedoula by agent of the Sad-kia. Vide Mr. Reade's letters of the 26th July and 20th August, 1883.

4. Benatar v. sons of Hadj Salah Ben Beahir El Abbassy (Benatar prevented from occupying an "ensur" near Mater which he had legally purchased). Petition communicated with Mr. Reade's letter of the 12th October, 1882. This case was also referred to in Memorandum to M. Cambon of the 17th April, 1883.

5. Benatar's claim in respect of cemetery constructed on his property near Gharb. Petition communicated with Mr. Reade's letter of the 30th December, 1883. This case is also included in the above-mentioned Memorandum to M. Cambon.

6. Petition in favour of families of victims of Oued Zergha massacre communicated with Mr. Reade's letter of the 22nd June, 1882.

7. Petition of M. Vella and other, carrying a petition on road to Kairwan, communicated with Mr. Reade's letter of the 18th April, 1882.

Inclosure 3 in No. 210.

M. Cambon to Mr. Reade

M. l'Agent et Consul-Général, Tunis, 22 Hadys, 1300 (23 Octobre, 1883).
J'ai l'honneur de vous transmettre ci-joint les réponses que m'a faites le Gouverneur en réponse aux divers points que vous m'avez adressés par lettre du 21 Septembre dernier, au sujet de sept affaires qui n'auront pas reçu de solution.

Agreez, &c.
(Signature), PAUL CAMBON

Inclosure 4 in No. 210.

Memorandum respecting the Seven Matters submitted to the Tunisian Government by Mr. Reade

1. Bannay contre la Municipalité.

La requête jointe à votre lettre du 18 Avril dernier, relative à M. Bannay, a été prise en considération par le Gouvernement tunisien. Une décision a été prise par acte administratif du 23 Avril, 1883.

2. Affaires des Procès-verbaux de M. Caillat

La Municipalité a été avisée, en réponse à votre demande, que votre Agence et le Consul Général refusent toute relation avec elle. Malgré les difficultés qui résultent de cette situation, à votre désir, le Gouvernement tunisien a décidé que les procès-verbaux étaient conçus dans les formes ordinaires; ce serait le Rapport qui y était joint et dont la transmission n'avait d'autre but que de donner à votre Collège tous les renseignements parvenus à la Municipalité, qui seul aurait droit aux observations contenues dans votre lettre du 12 Juin, 1883.

3. Violation de la Propriété du Général Bannay à Jedeida.

J'ai l'honneur, le 25 Septembre dernier, de vous adresser les documents joints par l'Administration du Collège Sadiki en réponse aux lettres auxquelles vous vous référez dans votre lettre du 27 Septembre dernier. Cette Administration persiste à prétendre que les agents de la Municipalité n'ont pas le droit d'entrer sur le terrain ou sont passés des bornes de la propriété. Elle aurait manifesté l'intention de porter ce différend devant le Tribunal de Jedeida, seul compétent pour statuer en la matière.

4. Perte de la propriété de Hadj Salah ben Réchir et Abbesy

Cette affaire n'a pas encore pu être résolue en raison des difficultés qu'elle présente. Le Gouvernement me fait savoir que les défendeurs viennent de produire des allégations qui lui mettront prochainement à même de porter à votre connaissance.

5. Reclamation de Benatar relative au Commerce du Kram

Le Gouvernement tunisien a décidé que les affaires relatives au commerce du Kram seront traitées par le Tribunal de Jedeida, et que les documents sur lesquels était fondée la réclamation de Benatar seront soumis à son examen.

6. Pétition en faveur des Familles des Victimes du Massacre de l'Oued Zergha.

Le Gouvernement est tout disposé à accorder à ces familles une indemnité. Il a frappé les principaux coupables d'une amende dont le produit est réservé à cet objet.

Le recouvrement, bien que difficile, se poursuit activement. Il n'est pas permis à l'Etat de prêter le montant de ces indemnités, même à titre d'avance, sur ces revenus généraux. Il ne saurait en effet être question de prêter à l'Etat ce qui lui appartient. Il est obligé de payer les dépenses de son service, et il ne sera pas libéré de ses dettes régulières.

7. Pétition de MM. Vella et Consort au sujet du Massacre de la route Karoum.

Le Gouvernement n'a pu, jusqu'à ce jour, découvrir les individus coupables de cet attentat. C'est pour ce motif que MM. Vella et consort n'ont pas encore reçu satisfaction.

Inclosure 5 in No. 210.

Mr. Reade to M. Cambon.

Tunis, October 24, 1883.

I BEG to acknowledge the receipt of your Excellency's letter of yesterday's date, replying to one in which I had the honour of referring to certain communications I had addressed the Residency which had remained unanswered.

To the explanations you are so good as to furnish on the various subjects of that correspondence—seven in all—I must beg to submit the following observations:—

1. With regard to General Bannay's complaint that employés and labourers in the service of the municipal authorities had, without his authority or consent, entered the property he possessed, in the immediate vicinity of the Regio des Tabacs, and interfered with some workmen of his, who were engaged at the time marking out the boundaries of that property, I am informed that my letter, including the petition of protest, was, in due time, communicated to the Engineer of the Public Works Department. Although that communication was made on the 25th April last, and related to an occurrence in manifest opposition to the provisions of the Tunisian Convention of 1861, no notice was ever given to the authorities of the Regio des Tabacs, and the degree aggravated.

2. M. Caillat's procès-verbaux.

The Tunisian Government alleges that these were addressed in the usual terms and transmitted, with the sole object of conveying information to Her Majesty's Consular Agent. I cannot, however, agree with ordinary usage for a subordinate official, or indeed for any official, to state that by delaying to reply to a letter from a foreign Government purposely facilitated the communication of information to the authorities of the Tunisian Government. In connection with the latter consideration, I must state that in my letter of the 12th June, 1883, I have not had occasion to mention M. Caillat's style of communication, and I have not been taken of my remarks. That I should be brought into contact with the municipal authorities cannot, under the circumstances, be matter of surprise.

I may here remark, by way of contrast, a case in which, while my own efforts were being directed to the carrying out of the wishes of the Tunisian Government, the expression of a similar intention from the Residency dated the 5th July last, caused the British subject to discontinue the building of a house in this city. M. Caillat actually encouraged that British subject to proceed with his operations, in disregard of the orders given to the contrary, and I had consequently to exert my influence by applying to the police for assistance. The French Chargé d'Affaires declining to withdraw the request he had officially made for the stoppage of the works, there appeared to some of the parties interested only one way out of the dilemma, viz., by selling the property to a French subject. This was accordingly done, and my interference came thereby to an end. How it has happened that the works, which, while the property was English, were prohibited, have, on the same becoming French, been allowed to go on, I leave others to explain.

3. Violation of General Bannay's property at Jedeida by agents of the Sadiki College and others.

The circumstances are fully remarked on in my despatch of yesterday. I cannot, however, allow to pass without notice the assertion of an alleged right on the part of

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the Tunisian Government to enter into or visit property, belonging to the State, which is leased for a number of years to a British subject, and known in this country by the term "enzel," without any previous understanding being come to with the tenant occupying that property, or with the Consular authority exercising jurisdiction over it. Having on a recent occasion (in my despatch of the 13th ultimo) expressed my dissent from this novel pretension of the Tunisian Government, I must beg to reiterate my wish it to acquiesce in the view now enunciated in your Excellency's letter. (Your statement, it is true, is limited to an affirmation of the State's right to send its agents to inspect its olive plantations. Taken, however, in combination with your lately expressed views as to the extent of the powers of the Municipality, and with the declared approbation of the conduct pursued by the local authority in the Porto Farina and Jeddah cases I am justified in attaching the above signification to the paragraph of your letter I have felt it my duty to take exception to.)

It is scarcely necessary I should add that in case a British subject, holder of a Government "enzel," should refuse his consent to that property being visited by any specially appointed agent of the Government, this Consulate would, on being applied to, arrange for the said property to be so visited.

4. Benatar's claim against the sons of Hadj Salah Ben Beshir El Abbasy for delivery of an "enzel" at Mateur sold to him two years ago.

It is difficult to ascertain any details with respect to this case. I am, however, glad to learn there is a prospect of an early solution.

5, 6, 7. Claims of Benatar in respect of a cemetery at Cruah, and Petitions on behalf of the families of the victims of the Oued Zergha and Kairwan Road massacres.

I have communicated the information now given to the parties interested.

I have, &c.

(Signed) THOS. F. READE.

Enclosure 6 in No. 210.

Mr. Cambon to Mr. Reade.

M. l'Agent et Consul-Général, Tunis, le 10 Novembre 1885.

J'ai l'honneur de vous adresser ci-joint traduction d'une nouvelle note du Gouvernement Tunisien en réponse à votre communication du 24 Octobre dernier.

Agréé, &c.

(Signé) PAUL CAMBON.

Enclosure 7 in No. 210.

Memorandum by M. Cambon.

1. Benayad contre la Municipalité

La Municipalité a présenté une protestation du Général Hamdi Benayad. Le terrain revendiqué par le Général Hamdi Benayad est celui d'une rue; il fait donc partie du domaine public. Les droits du Général Hamdi Benayad ne pourraient donc que se révéler en contradiction avec ceux qui les lui contestent, la Municipalité restant hors de cause dans toute cette affaire. Si ces droits sont reconnus par la juridiction compétente, le Gouvernement, conformément aux Articles XI et XII du Traité du 20 Rabia el Tanî, 1286, veillera à l'application de l'Article 11 du Décret du 20 Moharrem, 1275.

2. Procès-verbaux de M. Cadat

M. l'Agent et Consul-Général paraît confondre de nouveau les procès-verbaux avec le Règlement municipal. Le Gouvernement Tunisien était nullement tenu d'observer le dernier avec les procès-verbaux; c'est en effet un document d'administration interne qui ne devait pas sortir des mains des fonctionnaires auxquels il était destiné. En le communiquant à M. l'Agent et Consul-Général, le Gouvernement lui

donnait une preuve de confiance qui paraît avoir été mal comprise. Pour éviter de semblables malentendus, le Gouvernement transmet aujourd'hui à M. l'Agent et Consul-Général d'Angleterre les procès-verbaux de contravention de voirie, sans les accompagner des renseignements administratifs qui souvent pourraient éclairer le Tribunal Anglais. De leur côté, les gardes municipaux se trouvent obligés de se rendre aux audiences, au détriment de la surveillance de la voirie. Il en résulte d'assez sérieuses difficultés pour la Municipalité.

Le Gouvernement Tunisien est surpris de l'allégation que la vente à un Français d'un immeuble, au sujet duquel un propriétaire Anglais avait un procès, ait suffi pour terminer le différend. La vente d'un immeuble litigieux est nulle de plein droit, et le Gouvernement s'est toujours refusé à reconnaître comme propriétaire le sujet Français dont il s'agit.

3. Violation de la Propriété du Général Benayad à Jeddah

A ce sujet l'Agent et Consul-Général d'Angleterre conteste le droit du Gouvernement d'envoyer ses Agents sur celles de ses propriétés qu'il aurait louées à des sujets Anglais. Le Gouvernement n'a pas eu à revendiquer ce droit dans aucune des trois occasions rappelées par M. l'Agent et Consul-Général.

Dans une seule il se trouve en cause, celle de Porto Farina. Mais dans l'espèce ces Agents du Gouvernement sont entrés dans un fort qui n'est ni une propriété ni un terrain appartenant à la garde.

Les forts sont propriétés de l'Etat et ne sont pas destinés à servir de propriétés particulières. Le Gouvernement n'a pas eu à revendiquer ce droit dans aucune des trois occasions rappelées par M. l'Agent et Consul-Général.

La question de la propriété du Général Benayad est une question de fait. Le Général Benayad ne la concerne pas. Le Général Benayad prétend que cette situation anormale créée à ce dernier des obligations particulières. C'est ainsi qu'il ne pourrait faire sur son terrain des travaux ou des cultures de nature à nuire à la production des oliviers.

La propriété de ces arbres donne donc au Collège Sadiki certains droits sur la terre où ils se nourrissent. Le Collège prétend que parmi ces droits se trouve celui de visiter sa propriété, à charge de ne pas endommager celle du Général Benayad. C'est là une question assez difficile à résoudre, et que les Tribunaux seuls sont compétents pour trancher.

Enclosure 8 in No. 210.

Mr. Reade to M. Cambon.

Enclosure.

Tunis, November 10, 1885.

I beg to acknowledge the receipt of your Excellency's letter of the 10th inst., enclosing a note from the Tunisian Government, in reply to mine of the 2nd inst. As with regard to the case of the General Benayad, your note expresses the wish of the Government to say that it is not in the following observations:—

1. Benayad's case against the Municipality.

You say that the ground claimed by General Benayad is a street, and therefore part of the public domain; that, in the event of his substantiating his right to the property, he will be able to claim an indemnity; and that the Municipality has consequently nothing to do with the affair.

I regret that it is my power to acquit the Municipality so easily of the responsibility assumed in this affair. It was by the Municipality's employees that the ground was invaded, and the manner complained of, and it is from the Municipality that the ground was invaded. In fact, it appears to me, on the whole, that it is known very well that the ground invaded belonged to Benayad, and even so, that a fact so generally notorious had escaped the eyes of the Municipality. It was at the time occupied by Benayad, and it was his property or any one else's, certain formalities, which are indicated in the Anglo-Tunisian Convention of 1863, had to be observed, which they did not observe. Among these formalities is the settlement of the question of indemnity, which must be "paid in full, and to the satisfaction of the proprietor, before the act of expropriation can be carried out." These are the precise words of the Treaty.

Having had to refer this case to the consideration of Her Majesty's Government, I

M. Camban to Mr. Reade

M. I. Aghaie et al. / *Psychiatry* 75 (2012) 103–110[illegible][illegible]

3. Michele, teneur de jeux de loterie.
4. Paolo, même profession que le précédent
Ces deux derniers témoins sont connus de la police Tunisienne, qui les fera très facilement retrouver

Agree, Re
No. 46) PAUL CAMBON.

Mr. Reade to Mr. Cambon.

I HAVE the honour to acknowledge the receipt of your letter of this day,
 requesting that certain British subjects therein named be directed to present
 themselves on Monday next, the 26th instant, at the French Residency, in the City
 of the "Commissaire Central," as witnesses in a criminal case.
 In reply, I beg to state that I am prepared to order that the said British subjects,
 or as many of them as it may be possible to discover, should so present themselves,
 provided that I am informed beforehand that the party to be tried is not a British
 subject in which case it is scarcely necessary to say, that it will not be my
 power to recognize the right of any other than a British authority to exercise
 jurisdiction.

I have, &c
(signed) THOS. F. READE

No. 212

Mr. Reade to Earl Granville.—(Received December 4.)

$$\begin{aligned} & \left(\frac{1}{2} + \frac{1}{2} \right) \\ & \frac{1}{2} + \frac{1}{2} \end{aligned}$$

With reference to my telegram No. 20 of the 26th inst. reporting the acts of aggression perpetrated upon British property by a Tunisian vessel and my having failed to obtain the required facilities for investigation, I have to inform you that I have considered a copy of all the communications that have passed between the French Residency and myself on the subject.

The estate in question, called "Agdama," was purchased by Mr. Benatar,* three years ago, from one of the trustees of the existing family. The formalities of the law were duly complied with, money and title-deeds exchanged hands, and Benatar entered at once in full and undisturbed possession of the property.

In contiguity with this estate is an extensive property belonging the Prince Master and Hadj Mabrouk El el T, the principal or ostensible aggressor in the attack, and a sample was taken from the estate of Hadj Massat Ben Hamouda the head of the band of that locality.

invasion and military occupation of the whole country took place, and it is fortunate that this was so as he would otherwise have experienced the same difficulty in asserting his proprietary rights over it as has arisen in the case of another estate called "Tassan," which he shortly afterwards purchased, but which, as related in Inclosure No. 5 of my despatch No. 52 of the 1st instant he has never, to this day, been permitted to enter upon or occupy. The two estates, "Ardain" and "Tassan," adjoin each other, and there can be little doubt it is to the same influences which have succeeded in keep-

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♦ A British subject.

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him out of the last-named property that he is indebted for the efforts now made to deprive him of the other.

How far those influences may have prompted the communication which M. Cambon, writing in the name of the Tunisian Government, addressed to me on the 11th instant, can only be inferred. To myself, however, it is abundantly manifest that the Prime Minister of the Government are interested in the discomfiture of the British subject, and that I am prepared with due respect to submit to whatever course your Excellency may be pleased to indicate, I feel I should not be justified to recommend any other mode of adjustment in the present case than by arbitration.

I am true, my Lord, that, in my communications with M. Cambon, I undertook that the British subject would, after recovering his estate, be prepared to defend his rights before the Tribunal of the "Shuraa" against any one who might present himself as a claimant to that property, and, if the engagement to put the British subject again into possession had been duly carried out, and his right to the property were fairly challenged before the Tribunal, he would be prepared to defend his rights as a British subject. As, however, M. Cambon's conduct came ultimately to nothing, and the aggressor, after a so-called imprisonment of three days' duration, has been allowed to return to the scene of the outrage and renew his exploits with redoubled vigour and offensiveness, I feel I am no longer bound to compel the British subject to appear, even before the "Shuraa." As defendant in any suit that may be brought against him, he ought, under ordinary circumstances, to fear to attack. In a case of this nature, and with the opposing influences to which I have already referred, I do not consider that even the "Shuraa" is any longer a proper tribunal.

At the same time, my Lord, I have no objection to your Excellency's recommending the British subject to appear before the Tribunal, and to defend his rights as a British subject, and to the same end I have no objection to your Excellency's recommending the British subject to appear before the Tribunal, and to defend his rights as a British subject.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 212.

Mr. Reade to M. Cambon.

Tunis, October 15, 1883.

Excellency,

I REGRET to have to transmit to you the inclosed copy of a Petition, whereby Mr. Haim Benatar, a British subject residing in this city, seeks redress against the Tunisian subject named Hadj El Mabrouk Ben Ennadi and his "Khammasa" and other creditors or servants, for having invaded and destroyed his property belonging to the village of Mateur, and for having taken possession of the same.

The said property was purchased by the said Benatar three years ago from the Princess Menachem, and was situated in the village of the Mateur, which was a portion of the estate of the said Princess. The said Benatar cultivated a portion of the farm, and built a house on the estate.

Notwithstanding all these facts, the said Hadj Mabrouk and his men, on Friday last, the 12th instant, invaded the property in the manner above mentioned, and immediately commenced to plough it up on their own account.

The right of the British subjects to the property invaded must be well known to the Khalifa or Vice-Governor of Mateur, as it is only through the intervention of the local authorities that a transfer of the same can take place. The refusal, therefore, of the Khalifa to interfere when appealed to by the British subjects' agent was a denial of justice which I venture to hope will be viewed with severity by the Tunisian Government.

Whatever the course which it may be deemed necessary to pursue so far as the Khalifa is concerned, the duty is incumbent on me of recording my most solemn protest against the violation of the rights of property and domestic involved in the present case, and demanding that measures may be at once taken for the immediate expulsion of the aggressive party, Hadj El Mabrouk Ben Ahmida Ennadi and his followers from the petitioner's "Enshur El Akdaia."

I have, &c.
(Signed) THOS. F. READE.

Inclosure 2 in No. 212.

Messrs. J. and H. Benatar to Mr. Reade.

(Translation)

Sir,

Tunis, October 14, 1883.

JOSEPH and Haim Benatar, British subjects residing in the city of Mateur, have the honour to bring to your notice what follows: That they are the owners of a large "enchar," situated at Mateur, called "El Agdaia," which had been repeatedly ploughed up by them.

Yesterday, a certain Hadj Mabrouk Ben Ahmida Ennadi, a Tunisian subject, land-owner, of the village of Mateur, followed by his labourers, took possession of the "enchar" by force, threatening the labourers in the service of the "enchar," and just as if he had been the owner of the "enchar," began to cultivate the land upon it, beginning by ploughing it, thus dispersing the seed which had already been sown by your petitioners.

The representative of your petitioners, a certain El Fallah Ben Ahmed El Misri, a tough highly provoked by such strange conduct, abstained from having recourse to assault, in order to avoid deplorable and serious consequences. He limited himself to presenting a formal protest to the Khalifa of Mateur, and to presenting a regular plaint to the Khalifa of Mateur, and to presenting a regular plaint to the Khalifa of Mateur.

But the said Khalifa, instead of making use of his authority, in order to refrain and punish the aggressors, declared he would abstain from doing so, and he did abstain from taking course to the end, and did not take any course.

It is in consequence of these facts that your petitioners have the honour to present to you the present Petition to the Government of this Highness the Bey, to serve as a formal and solemn protest against the author and his accomplices of such expropriation, and to hold the same responsible for all the damages and loss occasioned by your petitioners.

While seeking your official protection, and requesting that justice may be immediately had against Hadj Mabrouk Ennadi and his accomplices, as also against the Khalifa of Mateur Hadj Ali Gharbi, who did not just to your petitioners, your petitioners rely on your valued protection, and have, &c.

(Signed) BENATAR.

Inclosure 3 in No. 212.

M. Cambon to Mr. Reade.

Tunis, le 16 Octobre, 1883.

Cher Mr. Reade,

Je vous prie de vous informer que sur ma demande, le Premier Ministre a été chargé de faire connaître immédiatement Benatar en possession de la "Enchar" de Mateur. La contestation, s'il y en a une, sera réglée par les Tribunaux compétents; mais, en tous cas, Benatar, en attendant l'issue du procès, ne sera pas troublé dans sa possession.

Voire, &c.
(Signé) PAUL CAMBON.

P.S. Ci-joint le document que vous m'avez communiqué.

P. C.

Inclosure 4 in No. 212.

Mr. Reade to M. Cambon.

Tunis, November 1, 1883.

Excellency,

I AM again under the disagreeable necessity of invoking your official attention in a matter of a most serious nature.

A copy of a Petition to the Government of this Highness the Bey, in the name of M. Haim Benatar, a British subject, will inform you of a further act of violence committed on a portion of his property at Mateur, called "Enshur El Mannour."

* This "enchar" or farm, it appears, is part of the "Enshur Agdaia" referred to in the first inclosure.

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by Hadj Mabrouk Ben Mahmoud Ennadi, the same party who, some days ago, possessed himself of another "enshar" belonging to Mr. Benatar, and called "Akden".

The circumstances under which the present deed of violence was perpetrated, although to a certain extent similar to those which attended the former instance, are, it appears to me, very different. In the former case, the aggressor, and the fact that the question as to his alleged pretension to the property had already been submitted to the Cnli, and was at the time being decided.

In continuing the protest which has been made, I am, I think, justified in saying that Hadj Mabrouk has acted in a manner which is entirely contrary to the principles of justice and equity, and which is also a violation of the property rights of a British subject. I am, therefore, of the opinion that such further proceedings as may be necessary for the protection of the British subject should be taken.

I cannot but think that the present case is a further illustration of insubordination on the part of the local authorities, and that it is a matter of great importance that a man should be allowed to possess himself of the property of a powerful man, and that the property of a man should be taken away from him without any compensation. There can be no doubt that the impunity which attended his former exploit has encouraged him to the perpetration of the present outrage, and I trust that, in asking for his punishment, I may count upon meeting with a favourable reply.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 5 in No. 212.

Mr. H. Benatar to Mr. Reade.

(Translation.)

Sir,

When I was preparing to reply to the official note of his Excellency the Minister Resident dated the 28th October last, and relating to the claims of Mr. Benatar, I was writing out the protest which is contained in that note, and I was, I think, of the opinion that the claims of unquestionable and undeniable right of property, and the pretensions, a telegram just received advised me that a certain Hadj Mabrouk took possession by force of my "enshar" near Mateur, the one called Mansour, and with arms in hand began to dispose of it as if he were the owner.

This matter is so serious that, instead of discussing for the moment the legitimacy of my rights, I am forced to limit myself and protest against force and violence, and ask for your high protection in order that, humble British subject as I am, I may not be deprived of my property with impunity.

Thus Hadj Mabrouk is the same party who, some days ago, assaulted another party of my property, and from which he was driven away through your interference and that of the Minister Resident.

Thus Hadj Mabrouk is the same who persists constantly in some way or other to create to me difficulties and pain.

Thus Hadj Mabrouk is the same who, some days ago, was in the presence of the Minister Resident, and who, I think, was in the presence of the Minister Resident, and who, I think, was in the presence of the Minister Resident.

Thus Hadj Mabrouk is the same who, some days ago, was in the presence of the Minister Resident, and who, I think, was in the presence of the Minister Resident, and who, I think, was in the presence of the Minister Resident.

Thus Hadj Mabrouk is the same who, some days ago, was in the presence of the Minister Resident, and who, I think, was in the presence of the Minister Resident, and who, I think, was in the presence of the Minister Resident.

I hope you will with your customary energy render me your assistance, so that a prompt and ample justice be done against El Hadj Mabrouk and his accomplices, and if he has any right to claim, let him do so in a legal way, but you will never allow, in the

* This is a mistake: the same "enshar" was invaded over again.—T. F. R.

case of any of your "administrés" that the right of force shall take the place of the force of right.

I have, &c.
(Signed) HAIM BENATAR.

Inclosure 6 in No. 212.

Mr. Reade to M. Cambou.

Excellency.

Tunis, November 10, 1883.
I REGRET to have to complain to your Excellency of a further invasion of the property at Mateur of Mr. Benatar, a British subject, by Hadj Mabrouk Ben Mohamed Ennadi, a Tunisian subject, who, as on the former occasions, has entered with his "khamasa" upon that property, and disposed of it as though it belonged to him, driving all Benatar's people away.

For a description of what has occurred I must refer to the accompanying Petition. In asking for the immediate expulsion of the aggressors, and while protesting against the mode in which they have acted, for all the damages caused by their outrageous procedure, I feel it is my duty to demand also the arrest and imprisonment of the said Hadj Mabrouk.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 7 in No. 212.

Mr. H. Benatar to Mr. Reade.

(Translation.)

Sir,

Tunis, November 9, 1883.
A TREATY between the Tunisian Government and that of Great Britain exists, by which the right of property is extended to African subjects and the Tunisian Government has undertaken the duty of guaranteeing that Treaty and having it respected. The right of property is among all rights the wisest and most incontestable, and it is not permitted to any one to violate it without violating the law.

He who violates the right guaranteed by law, violates the law, and he who violates the law ought to be punished. He who violates the law ought to be punished.

And if he who is called to enforce the law fails to do so, he must allow private persons to defend their right themselves.

After the grave facts which I had occasion to bring before you a few days ago, after the promise I had that Hadj Mabrouk would be punished, this very day the violation of my domaine has been again perpetrated by the same Hadj Mabrouk.

If Hadj Mabrouk, against the order of superior authority, is allowed to violate other persons' domains, if he is allowed to take the law into his own hands against the law itself, if no one comes forward to defend the right violated, let it at least be allowed to him who is directly offended in his property and substance to oppose force to force, violence to violence. Force and violence could be used by Benatar if he chose in order to put an end to the repeated aggressions of which the said Hadj Mabrouk is the unpunished author.

The petitioner protests against all consequences that may ensue in case further offence on the part of Hadj Mabrouk oblige him to defend himself with the same arms.

Before, however, defending his rights by applying force to force, he has a duty to have recourse to legal means, and claim the assistance of the authorities. You have already used all the means in your power to obtain from the authorities the aid necessary for bringing such acts of usurpation to an end. But the said Hadj Mabrouk is a grave fact, inasmuch as it tends to bring about a state of anarchy which cannot be specified by law.

Every act of violence and every act of aggression of Hadj Mabrouk ought to be repressed by every possible means.

I place my property in your hands and confide in you only, confident that my hopes are well founded.

I enclose a translation of the affidavit made at Mateur in the presence of notaries, (1145)

H. A.

which establishes the facts of the case, and shows who the accomplices of Hadj Mabrouk were.

I have, &c.
(Signed) HAIM BENATAR.

1 el surr 8 in N 212

Affidavit

(Traduction)

LOUANGE à Dieu!

Sur l'invitation du distingué, &c., El Hadj Ali ben El Hadj ben Mohamed Groum, actuel Haoufa de Mateur, qui nous a fait lui-même, ainsi que le constate son serment ci-bas apposé accompagné de l'agent du dit Haoufa le Sieur Amour ben Mohammed Berguelli Elgharbi, et à la requête de l'honorable lettre, &c., Moustapha ben Hassan Hamroun Elgharbi, agissant comme mandataire du négociant Haim ben Abraham ben Attar, et le nommé Abou el Hassan Ali Ben Hassan el Englis el Hannefi, Jannissaire auprès de l'honorable Consul-Général Anglam à Tunis.

Les notaires soussignés accompagnés de l'agent du dit Haoufa, le Sieur Berguelli Elgharbi, se sont rendus le matin du Mercredi, 7 du mois courant Moharrem, année courante 1301, sur l'Enchir du susdit mandant, Haim ben Attar, connu sous le nom de l'Enchir Kodia faisant partie des terrains à culture de Mateur, lequel se situe entre le sud et à l'est par la rivière dite Oued Ettin, au nord par un chemin qui le traverse également à l'ouest par la route.

Le requérant déclare que le nommé el Hadj el Mabrouk ben Ahmed el Nadi, l'un des cultivateurs d'Enchir el Koussa, district de Tebourba, était venu avec ses quatorze colons et autant de paires de bœufs, violer l'Enchir en question, dont sept du côté sud de la propriété et de l'habitation du dit Enchir, et au nord de Oued Ettin, soit la limite sud de la propriété; et les sept autres du côté est de la susdite habitation, soit dans la parcelle dite Mechuet el Bouar, et que les mêmes avec ses colons avait labouré dans les journées de Vendredi, Samedi, et Dimanche derniers, ce qui était contraire par le propriétaire Haim ben Attar, et que ceci a été fait par violence.

Nous nous sommes trouvés sur les lieux susindiqués accompagnés comme il est dit plus haut, et la première chose que nous avons constaté c'est que les moutons du plaignant se trouvaient cernés sans pâturage au milieu des tentes, et près les gourbis au dehors du terrain labouré, près de Oued Ettin, par suite de l'absence des moutons.

Nous nous sommes alors allés pres du dit endroit, et nous avons pu remarquer que les moutons appartenant au dit Enchir et appartenant à des bergers s'étaient dispersés par les bords du terrain labouré. Les bergers susdits ont déclaré que les bœufs appartenant au susdit Hadj Mabrouk, Nadi, et ses colons, et les moutons appartenant au dit Enchir, sont entrés dans ce terrain, soit par le chemin du dit Enchir et Kodia, et qu'il n'y a eu aucun dommage. Quant à nos constatations, nous avons constaté que le pâturage des bœufs appartenant au dit Enchir, et son frère Jussel, le troupeau de ce pâturage et le troupeau de plus de 40 moutons et brebis avec leurs petits agneaux, ces bergers ont fait la même déclaration que les bergers précédents.

Nous avons ensuite constaté les deux parties du terrain récemment labouré et semé sur El Mozali, ainsi qu'il a été déclaré par le requérant.

Nous avons ensuite constaté les dégâts dans deux ans de paille et les traces de leur épandement par les bœufs, ce que nous avons vu nous-mêmes. Après ces constatations ont comparu devant nous les habitants du dit Enchir, qui a été l'objet d'une usurpation, les nommés:—

1. Ali ben Freg ben el Hefni el Piché,
2. Mansour, son frère;
3. Ben Kassem ben Ahmed el Arbi,
4. Farhat ben Salah el Arbi,
5. Ali ben Keibul el Bala,
6. Salah ben Ahmed el Arbi,
7. Mohamed ben Abdallah Elmemi,
8. Mohamed ben Aman el Naouah,
9. Hassan ben Salah ben Ismail el Neffati;

10. Ahmed ben Nester et Ksouri, et le préposé de la propriété, le nommé El Fellah ben Ahmed et son frère le Marshout el Harfaou.

Lesquels ont déclaré que le susdit Hadj Mabrouk et Nadi les avait surpris avec les colons et à leur tête se trouvaient également les nommés Otman El Azabi et ben Kassem el Nadi, lesquels s'avancant dans leurs habitations les insultèrent, traitant de Juifs, fils de Juifs, et serviteurs de Juifs, et les menaçant de les chasser de la propriété pour qu'elle devienne déserte.

Se sont présentes ensuite les nommés Adad ben Brahim el Piché, Otman ben Mbarek, Ali ben Brahim, tous deux de la même tribu, et Abd Allah, lesquels ont déclaré avoir fait les premiers labours de la terre susdite, et que le nommé Hadj Mabrouk ben Ahmed el Nadi leur a fait labourer ces terres de force, comme il a été dit ci-dessus.

Les constatations exactes et dépositions complètes des témoins dont acte dressé à la date ci-dessus sur l'invitation et à la requête de qui précède.

Suit la signature des notaires.

(Signé)

MOHAMED BEN EL HADJ AZUZ
MOHAMMED BEN MOHAMMED ESSERIF.

Inclusure 9 in No. 212.

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général,

Tunis, le 10 Novembre, 1883.

En réponse à la lettre que vous m'avez adressée, sous la date de ce jour, j'ai l'honneur de vous informer que je demande du Gouvernement Tunisien de faire procéder immédiatement à l'arrestation du nommé Hadj Mabrouk ben Mahmoud Emadi.

Il est bien entendu, d'ailleurs, que cette mesure ne saurait préjuger au fond la question pendante entre le dit Mabrouk et le Sieur Benatar.

Agréer, &c.
(Signé) PAUL CAMBON

Inclusure 10 in No. 212.

M. Cambon to Mr. Reade.

M. l'Agent et Consul Général,

Tunis, le 11 Novembre, 1883.

Le Gouvernement Tunisien, en m'accusant réception de votre dépêche du 2 Novembre courant, me fait connaître qu'il a ordonné l'arrestation de El Hadji Mabrouk et son envoi à Tunis.

Il me signale, à cette occasion, l'état d'excitation des populations indigènes des environs de Mateur contre les résidents Français. Cette situation est due à l'attitude des nommés Ben Attar et Saïd el Mokrin. Les tentatives d'empiètement des frères Ben Attar sur les propriétés indigènes sont incessantes, elles sont, il est vrai, excitées par les agents indigènes qui peuvent leur donner une apparence de justice, mais qui ne méritent pas moins les populations indigènes, auxquelles les chicanes sont peut-être plus odieuses que la violence.

Quant à Mr. Smith, sa conduite vis-à-vis des indigènes serait d'une telle dureté qu'il ne pourrait manquer de susciter leur animadversion. Récompensé par cinquante-huit bœufs et vaches appartenant à plusieurs personnes de Mateur, et en pâturant, passé sur l'Enchir el Mokrin, dont Mr. Smith est propriétaire, et donna l'ordre de les mettre en fourrière. Comme il éprouva bien vite la difficulté à le faire exécuter, il frappa un indigène, qui riposta en le tuant. Cet indigène prit la fuite, poursuivi par Mr. Smith; tous deux furent atteints. Smith déchargea les six coups de son revolver sur le cheval du fuyard, qui fut tué, pris et lié, et le Khalifa de Mateur le mit en prison, sous la garde d'un prisonnier.

En présence d'une pareille situation, le Gouvernement Tunisien est décidé à agir énergiquement, mais, pour que de son action résulte quelque apaisement dans les esprits, il croit nécessaire que de votre côté la répression ne soit pas moins sévère. Il demande donc que les frères Ben Attar ne soient pas considérés comme des innocents, et que des poursuites soient intentées au plus vite. Il est également nécessaire de prendre des mesures pour mettre fin à une situation dont les troubles et les rixes journaliers sont la conséquence inévitable.

En vous transmettant la demande du Gouvernement Tunisien, je vous prie de vouloir bien me mettre à même de lui répondre sur ces différents points.

Agréer, &c
(Signed) PAUL CAMBON.

Inclosure 11 in No. 212

Mr. Reade to M. Cambon.

Excellency,

Tunis, November 19, 1883.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 11th instant, respecting the social position occupied at Mateur by the British subjects Messrs. Smith and Benatar, and to their general bearing as landed proprietors and farmers in that district of the Regency.

Before replying to the charges brought against those gentlemen, I must beg to refer to what has passed between us in the matter of the outrages so repeatedly committed by a certain Hadj Mabrouk upon property which, whatever the title under which it is held, has, for the last three years, been in the undoubted occupancy of the brothers Benatar.

When I had the honour, on three different occasions, to claim your official intervention on behalf of the Messrs. Benatar, whose property at Mateur had been invaded and occupied by the said Hadj Mabrouk and his people, under circumstances of a peculiarly violent and aggressive nature, your Excellency engaged that measures would be taken for the immediate expulsion of the invaders, who, you also said, would be held responsible for all the damages and losses that might result from their lawless proceedings. On the two last occasions, and in reply to my demand for the exemplary punishment of the aggressor, Hadj Mabrouk, you added that that individual would be arrested and brought a prisoner before the Tribunal. The only result of the two last acts of aggression, was, it appears, carried into effect, but not so as regards the third series of outrages, since, as I understand, the violators of the ground continue in possession of it to this day.

On my part, I undertook that the British subjects, when restored to the peaceful enjoyment of the property, would be prepared to defend their rights before the Tribunal of the "Mharaa," against Hadj Mabrouk or any other pretender.

The situation I did thus become simplified, and a loyal observance of my engagements would have been all that was required of me.

Sober and sensible as was the Tunisian Government, it is to be regretted that, to further obstruction on the part of the Tunisian authorities, and your Excellency will excuse me if I cannot but regard your letter of the 11th instant as an important step towards the settlement of the matter, reflecting as it does the sentiments of the Tunisian Government in a matter which I think it would have been well to leave to the decision and judgment of the competent authorities.

In dealing the charges alleged against Mr. Smith, whose name is, strangely enough, mixed up with that of the brothers Benatar, I beg to state that his accusers, whoever they may be, have only to bring an action against him before the Tribunal Consular (in which case they would not be called upon to pay any Court expenses, and justice will be done). As to the estimation in which that gentleman is held by the native population of the Mateur district generally, my information is certainly very different from that which appears to have caused the Tunisian Government to take the course which I regard to the personal encounter you mention as having taken place between Mr. Smith and an Arab horseman.

Of the policy so strongly expressed with regard to the Messrs. Benatar, and the animus which I regret to observe as pervading the action of the Tunisian Government in the present case, I shall say very little, being unwilling to prejudge the decision that will ultimately be arrived at so far as the former are concerned.

To charge the Messrs. Benatar—who are well known to this Office as peaceable and law-abiding men, and who, besides being the victims of Hadj Mabrouk's outrages, have for over two years been illegally kept out of an important "enshar," called "Tassa," which they had purchased in due form, and paid for—to charge these persons, I say, of violating the rights of others, is a statement which, if not made ironically, would be mistaken for irony. And when, with a view to arrest the all-god violence, or "chicanery," of the Messrs. Benatar, the Tunisian Government announces its intention to act with energy, I am at a loss to imagine how this energy is to be expended, unless it be

in upholding the pretensions of Hadj Mabrouk and others of the same family in thus rearing the whole district of British subjects engaged in agricultural pursuits or occupying farms.

In such a state of affairs the Tunisian Government will, I am sure, understand and excuse the "encouragement," or, in other words, official support, to which, as British subjects struggling for their rights, the Messrs. Benatar are entitled from this Agency and Consulate-General.

In conclusion, I have only to express my apprehension that the views so unduly entertained by the Tunisian Government in the present case are based on information which emanates from the very adversaries and accusers of the British subjects. The Oulad Ben Hamouda, and their relative Hali Mabrouk are at the same time the confidential agents of an elevated functionary of that Government, and, as admitted by the Khalifa of Mateur himself, practically independent of the latter's authority or control. I am, however, of the opinion that the Tunisian Government will, in the end, be compelled to acknowledge the facts of the case, and to take the necessary steps to restore the British subjects to their rights.

I have, &c
(Signed) THOS. F. READE

Inclosure 12 in No. 212.

Mr. Reade to M. Cambon.

Excellency,

Tunis, November 22, 1883.

AT the request of the British subject Mr. Haim Benatar, I have the honour to transmit to your Excellency a Petition which I have received from him with regard to the certain aggressions and outrages committed by Hadj Mabrouk and his people and cattle upon the property of the Benatar family at Mateur, called "Agnaia."

It is a well-known fact that the Tunisian Government, in its efforts to restore the British subject to his rights as proprietor and occupant of the said "enshar," but, on the contrary, a marked disposition to assist the aggressor in his efforts to deprive that British subject of his rights. I have, therefore, to add on the subject to what is contained in my letter to the Residency of the 10th instant, I regret to find myself compelled to bring this matter to the notice of Her Majesty's Government, and to draw their attention to the fact that, as I have taken six weeks ago, when it was of importance that the British subject should not be deprived of his property, the Tunisian Government should not be allowed to continue its policy of obstruction.

Denouncing all the protests hitherto recorded with regard to the present outrage on behalf of the British subjects, and declaring the Tunisian Government, or whosoever else it may concern, as responsible also for the injurious effect which the proceedings of the said Hadj Mabrouk and his followers and abettors are so calculated to exert on the general interests of the British Government and nation, I have, &c.

(Signed) THOS. F. READE

Inclosure 13 in No. 212

M. Benassar to Mr. Reade.

Excellency,

Tunis, November 24, 1883.

AT the request of Mr. Haim Benatar, a British subject and land-owner, and on account of the protests and Petitions already recorded with regard to the said Hadj Mabrouk and his people, I have the honour to transmit to your Excellency a Petition which I have received from him with regard to the certain aggressions and outrages committed by Hadj Mabrouk and his people and cattle upon the property of the Benatar family at Mateur, called "Agnaia." It is a well-known fact that the Tunisian Government, in its efforts to restore the British subject to his rights as proprietor and occupant of the said "enshar," but, on the contrary, a marked disposition to assist the aggressor in his efforts to deprive that British subject of his rights. I have, therefore, to add on the subject to what is contained in my letter to the Residency of the 10th instant, I regret to find myself compelled to bring this matter to the notice of Her Majesty's Government, and to draw their attention to the fact that, as I have taken six weeks ago, when it was of importance that the British subject should not be deprived of his property, the Tunisian Government should not be allowed to continue its policy of obstruction.

By Hadj Mabrouk's persisting in his aggressive procedure he will certainly provoke conflicts with arms in hand, which will have as a consequence deplorable results, such as

petitioner has up to this moment tried to avoid sacrificing his interests for the sake of order and justice.

As regards your petitioner, he gives notice to you that he intends to decline all responsibility, whatever may be the importance of the conflict which he foresees.

Mr. Denatar limits himself for the moment to protest against the violation of his domicile, and for all damages of which he has up to the present been a victim, and he directs his protests not only against Hadj Mabrouk and his accomplices, but also against all persons who have instigated him to the commission of his aggressive acts, whoever they may be, and whatever their grade and position, and also against the Government of His Highness the Bey for what he cannot but regard as a denial of justice.

Your petitioner declares that he cannot oppose violence without in the first place claiming the assistance of the law, and that if that is denied him by the Government, which, instead of suppressing and punishing the brigandage organized by Hadj Mabrouk, seems to tolerate it, he will be obliged to abandon his lands. The responsibility of such an act would fall on the Government, who did not at the proper time take the measures required by justice and protect the most sacred of all rights, after the and honour that is to say, the right of property.

In the meantime, to better ascertain and value the damages suffered up to this day, your petitioner begs you to cause a serious and searching inquiry to be instituted for the purpose of ascertaining who the accomplices of Hadj Mabrouk are, and also his co-partners.

Finally, your petitioner begs that justice may be rendered to him against Hadj Mabrouk, so that the latter may discontinue the depredations he has committed so systematically to the petitioner's injury.

I have, &c.
For Mr. Ham Denatar
(Signed) Advocate BENNASON

No. 213.

Earl Granville to Viscount Lyons.

(No. 1173.)

My Lord,

Foreign Office, December 4, 1883.

I TRANSMIT to your Excellency herewith a despatch from Her Majesty's Agent and Consul-General in Tunis,* relating the circumstances under which a British subject, named Michele Portelli, has been arrested by the French military authorities at that place upon the charge of being concerned in an aggravated assault upon a French soldier.

Your Excellency will observe that at the request of the two injured French soldiers, a tavern-keeper (a British subject), originally suspected of complicity in the offence, was arrested and brought before the proper British Consular authority; but the evidence having failed to support the charge, he was released with the assent of the soldiers, and afterwards another British subject, Portelli, was arrested by French gendarmes and carried before the French military authorities.

I have to request your Excellency to call the attention of the French Government to the circumstances of this case, and urge them to issue instructions for the delivery of Portelli to the jurisdiction of Her Majesty's Consulate-General in Tunis, to be dealt with according to law.

I am, &c.
(Signed) GRANVILLE.

No. 214.

Earl Granville to Mr. Reade.

(No. 27.)

Sir,

Foreign Office, December 4, 1883.

I HAVE received your despatch No. 54 of the 6th ultimo, forwarding a copy of the Decree recently issued by the Bey of Tunis, declaring the city of Tunis and sixteen other places in the Regency to be military strongholds.

Her Majesty's Government presume that this measure has been taken with a view to

* No. 126.

assimilate the system of the French Government, and looking to the fact that the French have established civil Tribunals for Tunis, we do not apprehend that martial law will be proclaimed save in some exceptional emergency.

You do not, however, state whether the Bey's Decree, or any other legal enactments in the Regency, prescribe special Regulations respecting places classified as "places de guerre," and I have to request that you will furnish me with a Report upon this point.

I inclose, for your fuller information, copy of a Decree which appeared in the "Journal Officiel" of the 6th November,* and which will show the special military Regulations applicable to such places in France.

I am, &c.
(Signed) GRANVILLE.

No. 215.

Earl Granville to Mr. Reade.

(No. 28.)

Sir,

Foreign Office, December 4, 1883.

I HAVE received and considered your despatch No. 56 of the 14th ultimo, which deals with the two cases reported in your telegrams Nos. 25 and 26 of the 10th and 11th ultimo respectively, viz:—

(a.) The arrest of a Maltese named Michele Portelli, by the French military authorities at Tunis, upon the charge of being concerned in an aggravated assault upon a French soldier; and

(b.) The visit of a French officer and two non-commissioned officers, without rifles, to a café owned by a Maltese named Jalea, in order to claim a bayonet alleged to have been taken from a French soldier, and to be concealed on the premises.

As regards the first case, I have to convey to you my approval of the action which you have taken in the matter, and to inform you that Her Majesty's Ambassador at Paris has been instructed to urge the French Government to set out immediate instructions with a view to the delivery of Portelli to the jurisdiction of Her Majesty's Consulate-General, to be dealt with according to law.

I am unable, however, to concur in the view which you have taken of the second case above mentioned, as I gather from the correspondence that the visit was not of a domitory character, and I observe that the French authorities clearly repudiate having intended anything of the kind.

Under these circumstances, therefore, I am of opinion that the matter should be allowed to drop.

I am, &c.
(Signed) GRANVILLE.

No. 216.

Earl Granville to M. Catalani.†

M. le Chargé d'Affaires,

Foreign Office, December 4, 1883.

IN reply to the note which you did me the 1st of the address to me on the 17th ultimo, I beg to inform you that Her Majesty's Government have received from their Representative in Tunis the report of a similar case, in which, as regards the Italian Government, it is to the effect that the city of Tunis and sixteen other places, including Bizerta, have been declared by a Decree of the Bey to be military strongholds.

Her Majesty's Government are thus yet to learn whether the Bey's Decree, or any other legal enactments in the Regency, prescribe special Regulations respecting places classified as "places de guerre," such as the special place in Tunis mentioned above, but they entertain no doubt that the measure in question was not taken with a view to assimilate the system in Tunis to that which is in force in France, and they do not apprehend that martial law will be proclaimed except under pressure of some special emergency.

I have, &c.
(Signed) GRANVILLE.

* Inclosure in No. 59.

† Also to the Marquis de Casa Liria.

Lord E. Fitzmaurice to Mr. de Noight, Pearce, and Middleton.

Foreign Office, December 3, 1883.
I AM directed by Earl Granville to acknowledge the receipt of your letter of the 27th ultimo upon the subject of the complaints preferred by you against the Moorish Government.

I am, &c.
(Signed) EDMOND FITZMAURICE.

No. 218.

Earl Granville to M. Catalan.

M. le Chargé d'Affaires,
Foreign Office, December 6, 1883.
WITH reference to my letter to his Excellency Count Nigra of the 13th August, I have the honour to inform you that the Spanish Minister at this Court has recently inquired what are the views of Her Majesty's Government as to the interpretation of the Articles of the International Convention, signed at Madrid in 1880, for the settlement of the different questions relating to the right of protection exercised by the foreign Legations and Consuls in Morocco.

In reply, I have furnished the Marquis de Casa Langlesia with a copy of the Protocol of the meeting of the foreign Representatives at Tangier on the 29th May last, at which I have informed him that the language held by Her Majesty's Representative in Morocco upon that occasion accurately represents the views of Her Majesty's Government.

I beg to inclose a copy of the said Protocol for your own information.

I have, &c.
(Signed) GRANVILLE.

No. 219.

Earl Granville to the Marquis de Casa Langlesia.

M. le Marquis,
Foreign Office, December 6, 1883.
WITH reference to the Memorandum which you were good enough to communicate to me on the 23rd ultimo, inquiring, by desire of your Government, what are the views of Her Majesty's Government as to the interpretation of the Articles of the International Convention, signed at Madrid in 1880, for the settlement of the different questions relating to the right of protection exercised by the foreign Legations and Consuls in Morocco, I have the honour to inclose a printed copy of the Protocol of the meeting of the foreign Representatives held at Tangier on the 29th May last to discuss this question,* and I beg to refer you to the language held by Her Majesty's Representative in Morocco upon that occasion as accurately representing the views of Her Majesty's Government.

I have, &c.
(Signed) GRANVILLE.

No. 220.

Mr. Abbs to Sir J. Pouncefoot.—(Received December 7.)

Law Officers' Department, 519, Royal Courts of Justice,
December 6, 1883.

Sir,
I AM directed by the Law Officers to inform you that they desire to know, with reference to this case, what were the terms of the new obligations issued to the creditors of Tunis under the authority of the Finance Commission of 1870.

The Law Officers gather that they were made payable in 1883. But whether this was the fact, and what the exact terms were, may be material on the question submitted to them.

I have, &c.
(Signed) JAS. ABBS.

* See *La Revue des Droits*, 2^e série, No. 130.

Act agreed upon by the Finance Commission for the Settlement of the Tunisian Debts.—
Tunis, March 23, 1870.

LE Comité Exécutif, en vertu des attributions qu'il tient de l'Article 8 du Décret du 5 Juillet, 1869,* et pour mettre à exécution les bases d'arrangement dont le projet déjà approuvé par la Commission du Contrôle, s'agit de la mise à exécution, est autorisé à proposer au Comité de Contrôle l'adoption des dispositions suivantes, qui, après avoir été rendues exécutoires dans les conditions prescrites par l'Article 11 du Décret susmentionné, seront soumises à la ratification de son Altesse le Bey, et acquerront ainsi force de loi. Dès que ces formalités auront été remplies, il sera remis aux membres du Comité de Contrôle trois exemplaires du projet de ces dispositions, pour être déposés dans les archives de chacun des Consuls-Généraux des trois Gouvernements d'Angleterre, de France, et d'Italie, sous le patronage desquels le présent arrangement a été conclu. L'exécution de cet arrangement sera également placée sous la sauvegarde des trois Gouvernements par le présent acte.

La fusion des dettes de diverses catégories existant aujourd'hui est et demeure résolue. Elle sera accomplie dans les proportions qui seront arrêtées par la Commission Financière, en exécution des Articles 4, 5, 6, et 11 du Décret du 5 Juillet 1869, sur la base de la somme de 10 millions de francs, soit pour chaque titre de 100 francs.

Les titres de diverses natures existant aujourd'hui contre des obligations de 100 francs d'un type unique s'opéreront d'après les bases arrêtées déjà par la Commission Financière, et qui seront indiquées plus loin.

Les obligations nouvelles seront au porteur; elles représenteront un capital de 100 francs et donneront droit à 25 fr. d'intérêt annuel, payable par semestre (1^{er} Janvier et 1^{er} Juillet). Elles seront imprimées en Arabe et en Français, afin d'être plus facilement négociées à l'étranger et à Tunis.

C'est au Conseil d'Administration, dont il sera parlé plus loin, qu'il appartiendra de prendre, sous le contrôle et la surveillance du Comité Exécutif, toutes les mesures nécessaires pour assurer le paiement des coupons, qui pourra être réclamé par les porteurs, dans l'une des quatre villes de Paris, Londres, Florence, et Tunis; les frais de transport de ces coupons seront à la charge de la caisse communale appartenant aux porteurs. A chaque obligation nouvelle seront joints trente coupons semestriels. Les obligations qui ne seraient pas amoindries à l'expiration des quinze années, correspondant à ces trente coupons, seront alors échangées contre de nouvelles obligations munies de leurs coupons, ou donneront seule ent lieu à la délivrance d'une nouvelle série de coupons devant accompagner les titres existant à cette époque. Les obligations qui seront émises par suite de la présente opération auront jusqu'à leur rachat intégral de tout payement d'intérêt et de principal. Elles seront émises en vertu de la loi, et pourront être contractées dans l'avenir dans les cas et suivant les formalités indiquées par l'Article 9 du Décret du 5 Juillet. L'échange des titres actuels de la Dette Tunisienne contre les obligations nouvelles s'opérera dans les proportions suivantes:—

Chaque obligation des Emprunts 1862 et 1863 donnera droit à une obligation nouvelle.

1^{re} Conversion.—Cinq obligations anciennes donneront droit à une obligation nouvelle.

2^e Conversion.—Deux obligations anciennes donneront droit à une obligation nouvelle.

3^e Conversion.—Une obligation ancienne donnera droit à une obligation nouvelle.

4^e Conversion.—Six obligations anciennes seront représentées par cinquante et un nouvelles.

Pour la Dette Flottante.

1^{re} Conversion.—Une obligation ancienne donnera droit à une obligation nouvelle.

2^e Conversion.—Deux obligations anciennes donneront droit à une obligation nouvelle.

3^e Conversion.—Trois obligations anciennes donneront droit à une obligation nouvelle.

Le Gouvernement Tunisien s'engage à n'imposer sous quel prétexte, à quelle époque, et dans quelle circonstance que ce soit, aucune taxe, ni droit de timbre, sur ces obligations, pas plus que sur les coupons d'intérêt.

Le Conseil d'Administration dont la création est déjà résolue aura pour mission

* *Série Papers*, vol. I, p. 742.

proposé de décider que, immédiatement après la ratification de cet arrangement par S. M. l'Altesse le Bey, les membres du Comité de Contrôle revêtus par les créanciers des pouvoirs les plus étendus, prendront provisoirement en main l'administration des revenus concédés et les géreront en se conformant aux clauses et conditions énoncées précédemment, jusqu'à ce que le Conseil d'Administration ait été constitué, et que le règlement relatif aux opérations de ce Conseil ait été rendu exécutoire.

En conséquence, les commissaires des conversions devront à cette même date, en réglant leurs comptes avec le Gouvernement, remettre aux membres du Comité de Contrôle tous les titres relatifs aux garanties administrées par eux en vertu de leurs contrats respectifs, ces garanties devant être conservées à partir de la date ci-dessus, de même que celles appartenant aux obligations des Financiers de 1863 et de 1865, comme étant la propriété de la Caisse des conversions. Mais les titres relatifs aux obligations qui occupent le présent arrangement ne recevant pas leur place dans ces titres, les commissaires des conversions devront remettre, en même temps, les titres relatifs à ces obligations, et posséder de leurs garanties respectives, ainsi que des titres y afférents; ces derniers valeurs se trouvant ainsi déposées provisoirement entre les mains des membres du Comité de Contrôle, qui en seront responsables envers les détenteurs primitifs.

Tunis, le 23 Mars, 1870.

KHÉREDIN,
VILLET
MOHAMMED
M. SANTILLANA,
GAY TO FERRIANI
M. LEVY
G. GUTHRIE, Z
ALBERT DUBOIS
BONFELS.

Pour copie certifiée conforme à l'original déposé dans les archives de la Commission Financière.

(Signed) KHÉREDIN,
VILLET
MOHAMMED.

A la fin du texte Arabe est écrit: Vu ce qui est écrit dans cette page et les six pages précédentes et nous en approuvons le contenu.

Écrit le Mercredi, 22 du mois de Zil Hadja, 1286.

(Signed) MOHAMMED ESSADOK BEY.
(L.S.)

No. 221.

Earl Granville to Viscount Lyons.

(No. 1185. Secret.)

My Lord,

I ENCLOSE, for your Excellency's information, copies of correspondence, as marked in the margin, with Her Majesty's Minister at Tangier, upon the subject of French policy in Morocco.

I am, &c.
(Signed) GRANVILLE.

No. 222.

Earl Granville to Sir J. Drummond Hay.

(No. 50. Secret.)

Sir,

I HAVE received and had before the Queen your despatch No. 92, Secret, of the 15th ultimo, upon the subject of the relations between Morocco and France, and I have to state to you that Her Majesty's Government entirely approve the judicious advice which you have tendered to the Sultan in the Secret Memorandum, copy of which is inclosed in your aforesaid despatch.

Foreign Office, December 7, 1883.

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I have also read with much interest and attention your suggestions respecting the neutralization of the Straits of Gibraltar, and the adoption by the Powers of a self-denying Ordinance against the occupation of any part of the coast of Morocco.

Her Majesty's Government doubt, however, whether at the present moment it would be prudent to take any steps in so delicate a matter. But they will bear your observations in mind, and they have full confidence that you will continue to watch with attention M. Ordega's proceedings.

I am, &c.
(Signed) GRANVILLE.

No. 224.

Earl Granville to Sir R. Morier.

(No. 124. Secret.)

Sir,

Foreign Office, December 7, 1883.

I TRANSMIT to you herewith for your information, copy of a despatch which I have addressed to Her Majesty's Minister at Tangier* in reply to his despatch No. 92 of the 15th November, upon the subject of French policy in Morocco.

I am, &c.
(Signed) GRANVILLE.

No. 225.

Earl Granville to Mr. Reade.

(No. 29.)

Sir,

Foreign Office, December 7, 1883.

WITH reference to your despatch No. 58 of the 22nd ultimo, I have to state to you that I approve the note which you addressed to Baron d'Hatournelles on the 20th November, explaining why you were unable to accede to M. Cambon's request, that the depositions of certain British subjects should be taken with reference to a recent assault upon two soldiers of the French army of occupation.

I am, &c.
(Signed) GRANVILLE.

No. 226.

Viscount Lyons to Earl Granville.—(Received December 8.)

(No. 826.)

My Lord,

Paris, December 6, 1883.

I HAVE this morning had the honour to receive your Lordship's despatch No. 1173 of the 4th instant directing me to make a representation to the French Government respecting the case of a British subject named Portelli, who appears to be kept in prison by the French military authorities at Tunis.

I have the honour to transmit herewith to your Lordship a copy of a note which I have addressed in consequence to the French Minister for Foreign Affairs. The extract which I have annexed to it from Mr. Reade's despatch No. 60 of the 14th ultimo begins with the words "Some nights ago—I believe it was" (Paragraph 3), and concludes with the words "ensued between us" (Paragraph 7); nothing being omitted but the words "of which a copy is herewith inclosed," near the end of this last paragraph.

I have, &c.
(Signed) LYONS.

Inclosure in No. 226.

Viscount Lyons to M. Perry.

M. le Président du Conseil,

Paris, December 6, 1883.

THE inclosed extract from a despatch addressed to Earl Granville on the 14th ultimo, by Her Majesty's Agent and Consul-General at Tunis, will make your

* No. 223.

[1443]

3 D

Excellency acquainted with the circumstances under which a British subject, named Parich, has been arrested by the French military authorities at that place, upon the charge of being concerned in an aggravated assault upon two French soldiers.

Your Excellency will observe that, at the request of the injured French soldiers, a tavern-keeper (also a British subject), originally suspected of complicity in the offence, was arrested and brought before the proper British Consular authority, but was set at liberty the next morning with the acquiescence of the soldiers, there being no reason adduced for his further detention.

It appears, however, that on the night of the disturbance Portelli was arrested by French gendarmes and carried before the French military authorities, and Her Majesty's Government has instructed me to bring the circumstances of this case to the notice of the French Government, and to ask them to issue instructions for the delivery of Portelli to Her Majesty's Consul-General, to be dealt with according to law.

I have &c
(Signed) LYONS

No. 221.^a

Messrs. McNaught, Pearse, and Middleton to Sir J. Parnesfort.—(Received December 8.)

9, Crosby Square, London, December 7, 1888.

Sir,

REFERRING to the writers' interview with you on last Wednesday, when you kindly expressed your willingness to accept and peruse certain documents bearing on the claim of the E. & N. Africa Trading Company (Limited), we have now the pleasure to advise you, Sir, that after you have given to us the careful consideration you so kindly promised, and which we humbly think it deserves, that you will see the validity of our claim, and be able to lay it in such a manner before Earl Granville that it will obtain his recognition and support.

Any further documents or information you may require will be gladly furnished by,
Sir, your, &c.

(Signed) **McNAUGHT, PEARSE, AND MIDDLETON,**
*Agents to the Sias and North African Trading
Company (Limited).*

Inclosure 1 in No. 226*

Mr. W. J. McNaught to Sir J. Drummond Hay.

Your Excellency,
 AVAILING myself of your kind permission to lay before you the particulars of the Senegal and North African Trading Company's affairs, I have the honour to state that some time ago Mr Curtis, of Mogador, brought under the notice of our firm in London certain papers purporting to be Treaties entered into by himself, Messrs. Yule, Broom, and Brauer, of Mogador, on the one hand, and the Chiefs of the Ait Bou Amran on the other, who are said to be independent tribes in the Sen districts beyond the dominions of His Majesty the Sultan of Morocco. Mr. Curtis, being furnished with full powers by his co-partners for that purpose proposed that we should purchase their rights of trading at Ait Bou Amran on certain terms. Our firm and several of our friends in England had these documents examined and translated by Dr. Ridger, of London, who reported them as correct and in order. This fact, coupled with a desire to promote and extend the British trade in those regions, as yet only imperfectly and partially opened for trading, induced us to form a Joint Stock Company for the purpose we had in view.

At the time it is true some intimation reached us that the district the Company proposed to trade in was under the Sultan of Morocco's jurisdiction, but the gentlemen who negotiated the Treaties having repeatedly assured us that the Chiefs were entirely independent, and knowing also that every one of them possessed great experience of this country, and considering that about forty of the leading Chiefs of the district could not have entered publicly into such engagements without His Majesty the Sultan's sanction or their independence, the Directors decided to make a trial shipment, which I should accompany as far as the station, with the full intention that, should there be any obstacle or opposition on the Sultan's part, the cargo should be returned home.

[illegible]

1 The Company went to trade in a district with the sanction of those who, from time immemorial, are known and acknowledged to be the rulers and responsible authorities of that locality, in the same manner as any British trader would go to any part of the world under the sanction of its recognized authority, be it Morocco or elsewhere.

2. The Company's titles are not clandestine writings, but notarial deeds legally drawn and legalized by a Kadi, with the sanction of a number of men, any one of whom is a representative of greater or lesser importance.

The Company landed their goods in the presence of one of His Serene Highness's Majesty's officials, who made no opposition by act or word to the Company's trade.

4 The Company repudiate the imputation cast upon them of being engaged in an illegal traffic, inasmuch as all its operations were carried out publicly and openly, while the established respectability of every one connected with it in London is sufficient to guarantee that they would not jeopardize their reputation by joining any unlawful enterprise.

5. Admitting His Serene Highness's rights to exercise his power over the district, no time was given us to withdraw, and therefore the seizure and plunder of our property is unjustifiable.

6. Considering that the authorities at Asit Bow Amran, official or otherwise, invited us to trade, it is they, and not the Company, who are accountable to the Sultan, and it would be both high-handed and arbitrary that traders who went to the place in good faith should be the sufferers, and the really responsible parties allowed full immunity—I may say recompensed by being permitted to retain the value of goods purchased from those whom they inveigled into their country.

In corroboration of my statement, I beg to inclose, (a) Copy of Treaties with the Chiefs, (b) copy of Invoice (of cost and charges for goods loaded at Ecksweeth, and statement of what was received in part payment, showing a balance of (unrecovered)

Knowing how ready your Excellency ever is to see justice done to British interests, I pray that you will give our case good consideration, and represent to His Shereefan Majesty how we have been innocently drawn into a snare through no fault on our part, and therefore invoking in favour of our request Articles IV and V of the Treaty of 1857. We claim at His Majesty's hands the benefit of these Articles and pray that His Majesty will cause the responsible parties to pay their indebtedness to the Company, and to indemnify it for losses, damages, and expenses sustained and incurred by the Company through the acts of His Shereefan Majesty's subjects and officials.

I cannot close the present without appealing to your Excellency's humane sentiments on behalf of Haji Hamdan and, finally, to the collective conscience of the Company's agent, and whose ill-treatment and subsequent imprisonment are unwarranted, and in contravention of Article IX of the Madrid Convention of 1880.

Any further information or proofs your Excellency may require I shall be happy to supply, if in my power to do so; and thanking your Excellency in anticipation for using your good influence in favour of a just claim, I remain, &c

(Signed) **W. J. McNAUGHT**, *Agent and Special Attorney*
for the *Sole and North African Trading Company.*

Mr. W. J. McNaught to Sir J. Drummond Hay.

Your Excellency,

WITH reference to my letter of the 29th ult. no. on behalf of the S. and N. African Trading Company, I have the honor to state that being conversed of the great difficulties which attend the settlement of claims of this nature, and the impossibility of arriving at a satisfactory issue, it is my duty as representative of the Directors and Shareholders, and with a view to compensate them against their severe losses, to solicit that you will use your good influence with His Majesty the Sultan to obtain his written permission for the Company to carry on a legitimate trade of import and export at the new port which the Sultan is about to open at S. under His Majesty's protection and security. If I venture to ask this favor, it is with the conviction that your Excellency is satisfied that the Company's intentions from the first were to carry on a lawful business, and that it has been urged at a false position through misrepresentation on the part of various parties, and therefore any encouragement which you will be pleased to obtain for the Company will be an act of justice which will lay it under a debt of gratitude to your Excellency.

It is needless to observe that such a gracious act on your part would not only promote the Company's interests, but the interests of all the British traders generally, as the Company's success and prosperity will tend to benefit the large number of merchants and manufacturers connected with them, all of whom will be grateful to your efforts to increase British commerce and influence in a district which promises to become one of the most important outlets for England's produce and manufactures.

In the hope of receiving a favourable reply, I have, &c.

(By virtue of the Directors' Power of Attorney).

(Signed) W. J. McNAUGHT.

Argument of the S. and North African Company v. Moorish Government.

THE action of the Moorish Government has been irregular and deceptive throughout, since the Sultan was aware of the Company's intention some time long before the first expedition. How is it His Majesty did not give instructions to his Governor at Ait Bou Amran to oppose, or at least protest, our landing? Besides, since Sid Mahommed Bargash had protested against what he termed illegal traffic, why did not the Envoy, who came from the Sultan to Erksheesh some time in April, intimate this protest, or demand the removal of the Company's plant and goods? How is it this same Envoy assured Mr. Curtis that the goods would be safe if left at Erksheesh? Did the Sultan have less power in April than he had in June over Ait Bou Amran, or could the presence of Curtis be such an impediment to the actions of his troops? The only inference that can be drawn from the facts that the Sultan's Government allowed and encouraged the landing of the goods, the decoying of Curtis to Mogador on pretence of conferring with the Sultan, and the subsequent plunder of the station, is that the Sultan had no control over the territory at first, and finding open resistance of no avail, the officials conspired with the tribes to plunder the station, and get off scot-free from paying for the goods bought.

The tribes, or the lower classes among them, asked for no better, and while they pleased the Sultan by siding with him for a time, they got full reward for their treachery by keeping the Company's money and goods. This argument at once does away with allegations of the Sultan's jurisdiction over the tribes, and of the contraband trade in which it is now said the Company was engaged. If, on the other hand, the Sultan really had any jurisdiction over the district, he could have prevented all complication by ordering his subjects to refuse dealing with the Company, and if they proved disobedient to his will, how is it he allowed the sixteen Chiefs who went to visit the Court in Morocco to return unmolested, while he pretended to have brought Curtis prisoner for the same offence? In whatever light this is taken, the Sultan's action renders his Government responsible, because, if he really has jurisdiction over the district, he is bound by Treaty to have the debtors and plunderers to account for their action at the nearest port to their district.

If, on the other hand, he has no jurisdiction, his action can only be taken as illegal

interference with foreign property outside his territory. With respect to the attitude taken by the Foreign Office in this matter, the fact that can be said about it is that it came to its conclusion too hastily, because past events have proved that Ait Bou Amran districts were independent of the Sultan. As proof of this, we have the fact that the Sultan was put to find a place where to settle his troops on the S. coast to give to Spain in lieu of Santa Cruz de Mar Pequeña. As a further proof, there is that which Wad Noum's stated by the Foreign Office to be the Sultan's territory, yet the latter had not the power to release Mr. Butler, who was kept prisoner there over seven years, until a heavy ransom was paid.

As to the probable results this action of the Foreign Office is likely to have over British trade, it will be sufficient to say that in the face of Spain having a port on that coast, and the likelihood of their monopolizing the same, it would be good policy on the Foreign Office's part to support the S. and North African Trading Company's effort to establish direct communication between that coast and England, and thus share the business with Spain. As it is, the decimation of the Sultan's sovereignty over the district on one hand, and a Spanish port on the other, will prevent British traders from getting there, while the Moors, knowing the great disadvantage of carrying their goods to a Moorish port where they would have to pay heavy and extortionate duties would take their goods to the Spanish port. Thus, our trade with a large and fertile country in North Africa, will remain at the mercy of Spain, and she will be able to impose any duty she likes on all goods coming in or out of her port for foreign trade. Now the blunder is made, the best means of mending it would be for England to demand from the Sultan such arrangements as will ensure the non-interference of Spain in our trade with S. and that can only be realized by the proper encouragement of such Companies as the S. and North African Trading Company, who have already secured their land, and a good port, and established friendly relations with the leading Chiefs of the district.

To hope that the Sultan's authority will be sufficient guarantee that our trade shall not be spoilt by Spain would be a delusion, because the Chiefs will act at defiance as they have done from time immemorial, and therefore, if England has any desire to preserve an important outlet for her overgrowing manufacturing production, the only means to do so is by having stations as near to the Spanish Settlement as possible.

Declaration by the Tribes of Ait Bou Amran as to Plunder by Sultan's Soldiers.

(Translation.)

THE witnesses know and give evidence that the day the Government came to Erksheesh, viz., Boazza, Muley El Kebir, and Kaid Glemme, and their followers, soldiers, and found Tazer James in business with his property, and they took him prisoner, and left his property with their army to be taken care of, and there was a tent there, and in the port the bags of rice and barley, skins, wax, &c. And a few days after this they ate everything that was there, without leaving little or much. And this plenty of people were present at, and they give this evidence, and they are

R'booina Chiefs—

Sid Brashim Bel Hassan El Arbouey, Sid Abdullah Bel Ali, Sid Mohammed Ben Ali, Sid Salkh Ben Hamed Ben Mohamed El Taguay, Sid Ombark Ben Omer, Sid Mahommed Ben Brashim Ou Ali, his father, Ben Brashim, Sid El Houssein Ben Ali Ou Beeroak, Sid El Hassan Ben Said.

Mis Vowi Chiefs—

Sid Omar Ben Bulkheer, Sid Mohammed Ben Bellol, Sid El Hassan Ben Abdullah, Sid Ombark Ben Echheesh, Sid Mohamed Ben Ali Ben Ombark.

These witnesses were present when Tazer James was taken by the Government, and his property was left at Erksheesh, and the army ate it, and this is what these witnesses were present at.

(Signed)

MOHAMMED EL DUSONY.

SAID EL MIS VOWI

MOHAMMED AZUZ EL HASABOWEY.

Adoola, 1st of Dulkeda, 1300

70405125

PERMISSION OF THE
LONDON

Inclosure 5 in No. 226.

Declaration by James Curtis, of Ercksheesh, Sûs

I, JAMES CURTIS, resident agent of the Sûs and North African Trading Company (Limited), in Sûs, at Ercksheesh, hereby declare that I truly believe the Company's station to be without the boundaries of the Empire of Morocco, and entirely free from the authority of the Sultan of that dominion.

As my reasons for this belief I cite the following facts:—

1. The tribes recognize no authority, and govern themselves.

2. They pay no taxes.

3. When trading as a merchant in Mogador, in 1877, I had occasion to place several claims on debtors in Morocco and Sûs in the hands of Her Majesty's Minister at Tangier, in order to obtain payment by the course usually adopted in that country, when, to my surprise, all my claims were passed save those on Sûs, which the Minister of Foreign Affairs in the Moors Government informed Her Majesty's Minister could not be entertained, as the Sultan had no jurisdiction.

4. When M. Barker, a Spanish subject, was captured some years ago by these tribes, the Sultan refused to be responsible or pay the ransom demanded, so in order to procure his release the Spanish Government gave the money (£5,000*l.*) and paid it.

5. Sûs now contains a port called Santa Cruz de Mar Pequeña, and the Sultan replied, in 1879, that he could not grant it such of Agadir, as it would be out of his jurisdiction. He has just lately repeated this statement after a Spanish Commission was in waiting in Mogador for some months, with the object of ascertaining the whereabouts of this port. The said Commission has now returned to Tangier without having accomplished their object, as the Sultan has informed it that he has no jurisdiction south of Agadir.

I could give many other instances of his denial of this country, but I believe it is generally recognized by all that know Morocco that the Sultan's dominions are bounded on the south by the Great Northern Atlas Mountains. I understand the French Government have offered protection to English subjects, as well as French, living at Ait Bou Ammi, in Sûs, for the space of two months. I have lived there one year, and have found the tribes most friendly and disposed to trade with the English, and am convinced they most heartily wish to trade with us.

In conclusion, I strongly urge Her Majesty's Government to give us that support that is so necessary to insure success to the trade in that country, which I am fully assured will prove of the greatest importance to English commerce and industry.

(Signed) J. CURTIS, Resident Agent for the Sûs and North African Trading Company at Ercksheesh

London, July 7, 1883.

Inclosure 6 in No. 226.

Extracts from the Treaty of 1857

ARTICLE IV.

WITH respect to the personal privileges to be enjoyed by the subjects of Her Britannic Majesty in the dominions of the Sultan of Morocco, His Serene Highness engages that they shall have a free and undoubted right to travel and to reside in the territories and dominions of his said Majesty, subject to the same precautions of police which are practised towards the subjects or citizens of the most favoured nations.

And generally His Majesty the Sultan engages that the subjects of Her Britannic Majesty residing in His States or dominions shall enjoy their property and personal security in as full and ample manner as subjects of the Emperor of Morocco are allowed to do within the territories of Her Britannic Majesty.

ARTICLE V.

All British subjects and merchants who may wish to reside in any part of the dominions of the Sultan of Morocco shall have perfect security for their own persons and property.

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They shall be free to appoint any one they may choose of their friends or servants for the transaction of their affairs, either on land or at sea, without any prohibition or interruption.

Inclosure 7 in No. 220.

Extract from the Madrid Convention of 1880.

ARTICLE IX.

Domestic servants, farmers, and other native employés of native interpreters and domestic servants of foreign subjects. The same applies to Moroccan employés and domestic servants of foreign subjects. Nevertheless, local authorities cannot arrest an employé or servant of a native functionary in the service of a Legation or Consulate, or of a foreign subject or protégé, without previous notice being given to the authority on whom they depend. If a Moorish subject in the service of a foreign subject should kill any one, wound him, or violate his domicile, he will be immediately arrested, but the Diplomatic or Consular authority on whom he depends shall be immediately informed of the same.

No. 227.

Earl Granville to Mr. Reade.

(No. 9.)

(Telegraphic.)

Foreign Office, December 8, 1883, 1:25 p.m.

WHEN may we expect complete list of claims? French Government are pressing for it, and it is important to avoid delay.

No. 228.

Earl Granville to Mr. Reade.

(No. 10.)

(Telegraphic.)

Foreign Office, December 8, 1883, 2:30 p.m.

SEND us as soon as possible copy of one of the obligations issued under the Act of the Tunisian Finance Commission of the 23rd March, 1870.

No. 229.

Sir J. Pauncefote to the Law Officers of the Crown.

SIR JULIAN PAUNCEFOTE presents his compliments to the Law Officers of the Crown, and, with reference to Mr. Abbs' note of the 6th instant, has the honour to inform them that Her Majesty's Agent and Consul-General in Tunis has been instructed by telegraph to send home copy of one of the obligations issued under the Act of the Tunisian Finance Commission of the 23rd March, 1870.

The Foreign Office is not at present in the possession of any information on this subject beyond that contained in this Act, copy of which, it was ascertained, was enclosed with other papers in Sir J. Pauncefote's letter of the 30th ultimo.

Foreign Office, December 8, 1883.

No. 230.

Mr. Reade to Earl Granville.—(Received December 9, 2 p.m.)

(No. 32.)

(Telegraphic.)

Tunis, December 9, 1883, 9:55 a.m.

THE list of claims called for has been retarded by communications from the ports, but will be transmitted some by the Italian packet [?] on Wednesday the 12th, notwithstanding an overwhelming press of business, which the French have, for the most part, created.

Earl Granville to Mr. Reade.

(No. 11.)

(Telegraphic.)

Foreign Office, December 10, 1883, 4:50 P.M.

BARON D'ESTOURNELLES is here discussing British claims. We wish to have advantage of your presence. Come immediately, leaving Consulate in charge of Dr. Arpa.

No. 232.

Earl Granville to Mr. Reade.

(No. 30. Ext. 11.)

Sir,

Foreign Office, December 10, 1883.

HER Majesty's Government are anxious to have the advantage of your advice in discussing the question of British claims in Tunis with Baron d'Estournelles, who is now in London, and I have consequently to request that you will come to this country with as little delay as possible.

You should leave Dr. Arpa in charge of the Consulate.

I am, &c.
(Signed) GRANVILLE.

No. 233.

Earl Granville to Sir J. Drummond Hay.

(No. 53.)

Sir,

Foreign Office, December 10, 1883.

I TRANSMIT herewith, for your information, copy of a note which I have addressed to the Representatives of Spain and Italy at this Court* in answer to their request to be informed of the views of Her Majesty's Government as to the interpretation of the Articles of the International Convention signed at Madrid in 1880 relating to the right of protection exercised by the foreign Legations and Consuls in Morocco.

I am, &c.
(Signed) GRANVILLE.

No. 234.

Earl Granville to Viscount Lyons.

(No. 1100.)

My Lord,

Foreign Office, December 11, 1883.

I APPROVE the note which you addressed to the French Government on the 10th instant, of which a copy is inclosed in your Excellency's despatch No. 228 of the 6th December, respecting the case of the British subject Portelli, who has been arrested by the French military authorities in Tunis.

I am, &c.
(Signed) GRANVILLE.

No. 235.

Earl Granville to Viscount Lyons.

(No. 1234.)

My Lord,

Foreign Office, December 11, 1883.

THE French Ambassador called upon me this afternoon, and spoke to me of the great desire of his Government to come to an arrangement as regards the conditions upon which the assent of England to the abandonment of Consular jurisdiction in Tunis was made dependent. His Excellency said that the French Government would be ready to refer to arbitration the greater portion of the outstanding cases in which British

* Nos. 212 and 219.

subjects were concerned, and to adopt any reasonable plan for the settlement of the most complicated claims.

They were anxious to get the matter settled by the close of the year.

I am, &c.
(Signed) GRANVILLE

No. 236.

Earl Granville to Viscount Lyons.

(No. 1203.)

My Lord,

Foreign Office, December 12, 1883.

I TRANSMIT herewith, for your Excellency's information, copy of a telegram which I have addressed to Her Majesty's Agent and Consul-General at Tunis* requesting him to return home to take part in the discussion of British claims in Tunis, which is being carried on in London with Baron d'Estournelles.

I am, &c.
(Signed) GRANVILLE

No. 237.

Earl Granville to Mr. Reade.

(No. 31.)

Sir,

Foreign Office, December 12, 1883.

I HAVE received your despatch No. 21 of the 28th instant, and I have the pleasure to you my approval of the note which you addressed to M. Chéron on the 21st November in reply to his request for the appearance of certain British subjects at the French Residency to give evidence in a criminal suit.

I am, &c.
(Signed) GRANVILLE

No. 238.

Earl Granville to Viscount Lyons.

(No. 1221.)

My Lord,

Foreign Office, December 13, 1883.

I HAVE to state to your Excellency that Her Majesty's Government approve all terms of the note addressed by you to the French Government, copy of which is inclosed in your Excellency's despatch No. 200 of the 29th ultimo, relative to the complaint made by the British mercantile community at Sfax of the misconduct, so far as they are concerned, of the local authorities at that place.

I am, &c.
(Signed) GRANVILLE

No. 239.

Mr. Reade to Earl Granville.—(Received December 15, 7:45 P.M.)

(No. 33.)

(Telegraphic.)

Tunis, December 15, 1883, 2:10 P.M.

IN compliance with your Lordship's telegram of 10th instant, I embark this day for Marseilles, having been delayed by stormy weather.

No. 240.

Dr. Arpa to Earl Granville.—(Received December 15, 11 P.M.)

(Telegraphic.)

Tunis, December 15, 1883, 2:10 P.M.

MR. READE left for England this day, his departure having been delayed by stormy weather.

Mr. de J. Levy to Earl Granville.—(Received December 18.)

My Lord,

59, Fenchurch Street, London, December 18, 1883.

ON several occasions I have had to trouble your Lordship about my Gabes claim against the French Government, and Mr. Bramlley wrote on my behalf on the 24th August last, explaining my case.

So far, I have not had the honour to hear from your Lordship, and no progress has been made in Tunis, the French authorities there seeming bent upon unduly protracting the matter.

I was dispossessed of two and a half years ago of a valuable property, which served as the basis of my trading on business in exports, gross trade in paper-making, which business gave me a good 20000 francs per annum.

As I was told that the authorities would not grant any claim for indirect losses, I undertook myself to ask for the value of the property of my means to claim possession permanently, or if only occupied temporarily for the payment of an annual rent of 4000 francs, or say 10 000 francs.

The French authorities in Tunis have repeatedly offered such small sums, so much under the value of the property that I venture to suspect they must have expected their offers to be refused.

In view of the long period in which I have been deprived of my rights, I think the only solution of the question is either to pay the amount I have demanded, or submit to the arbitrament of impartial and respectable valuers, in which case I expect I should be awarded a larger amount, according to certificate, that Mr. Broadley sent to your Lordship in his letter of the 24th August.

Knowing that Mr. Reade, Her Majesty's Agent and Consul-General at Tunis, will be in London in a few days more, I take the liberty to suggest that your Lordship should kindly take his opinion in the matter, and if, as I hope, he will confirm what I have the honour to lay before you, you will exert your influence to have the matter settled by the French Government without further delay.

I have the conviction that if the French Government had this case properly represented to them by their agents in Tunis, I should not have had to wait so long for a settlement of my claim.

I have, &c.
(Signed) M. DE J. LEVY.

Extract from the "Standard" of December 18, 1883.

THE SUEZ AND NORTH AFRICA TRADING COMPANY.—This was a Petition by Mr. D. Bell and another creditor for the winding up of the Company. It appeared from the opening statement that the petitioners were the holders of a dishonoured bill of exchange for 1071. odd, and had obtained judgment against the Company. They endeavoured to levy, but the Sheriff had made a return of *nulla bona*. The Company was started, with a nominal capital of 150,000 francs, or 10,000 shares of 5 francs each, but only 280 shares had been taken up. It carried on considerable business. The firm of McNaught, Pierce, and Middleton, having taken bodily possession of the Company, were carrying on business in the name, and were exercising the functions of the Company. The firm had a covering charge over the property of the Company, even to the money in the till, and thereby prevented any other person from making any claims against it. The Company had, however, filed an affidavit in opposition to the Petition in which it was stated that the Company had large assets. Amongst them were goods estimated at the value of 4,000 francs, and a claim for 10,000 francs against the Government of Morocco for losses sustained in transporting goods through Morocco, in consequence of robberies. The Petition was also opposed by a majority of the shareholders, who stated that their claims would probably be fully satisfied if the Company were allowed to go on; but that they would inevitably sustain losses if the prayer of the petitioners were granted. Mr. Higgins, Q.C. and Mr. Ward appeared on behalf of the petitioners, Mr. Seward B. on behalf of the opposing shareholders. His Lordship, in pronouncing judgment, said it appeared to him that this Company ought not to be allowed to go on, being without any available assets, and unable to satisfy a claim of admitted creditors.

The chief asset of the Company was a very doubtful one, being a claim against the Government of Morocco. He felt therefore he should make the usual order for the winding up of the Company.

Mr. Reade to Earl Granville.—(Received December 19.)

(No. 18.)

My Lord,

Tunis, December 11, 1883.

IN obedience to the instruction conveyed in your Lordship's telegram No. 8 of the 24th ultimo, I have the honour to supply as complete a list of outstanding claims of British subjects in this Regency as it has been possible for me to prepare.

It is scarcely necessary I should, at the same time, state that the list of British claims is increasing in proportions every day, grievances giving rise to them being of almost constant occurrence. While I write, information reaches me of arbitrary proceedings committed to the prejudice of British subjects, which will probably germinate into claims against the Tunisian Government.

I have, &c.
(Signed) THOS. F. READE.

Inclosure in No. 243.

List of Outstanding Claims of British Subjects.

TUNIS AND NEIGHBOURHOOD

| Name of Claimant | Nature of Claim | Amount claimed | Remarks by Mr. Roade |
|-----------------------------|--|----------------|--|
| Agnes, Christina | Agnes, Christina, of London, claims against the Municipality of Tunis for the loss of a piece of ground, which she claims to be the site of a house, the foundations of which she claims to have seen in 1841, and which she claims to have been the site of a house, the foundations of which she claims to have seen in 1841, and which she claims to have been the site of a house, the foundations of which she claims to have seen in 1841. | Five shillings | A petition of this case is annexed to my Report No. 52 of the 1st of last month. The request to have the matter referred to the "Sharia" is so manifestly fair and proper that I can conceive no alternative course. |
| Isidore Joseph | Isidore Joseph, of Tunis, claims for a piece of ground, which he claims to be the site of a house, the foundations of which he claims to have seen in 1841, and which he claims to have been the site of a house, the foundations of which he claims to have seen in 1841. | Five shillings | The Tunisian Government having lately engaged to inquire into and settle the question at issue, no further remarks are at the present time necessary. |
| " | Isidore Joseph, of Tunis, claims for damages sustained upon the seizure of his property, which he claims to be the site of a house, the foundations of which he claims to have seen in 1841, and which he claims to have been the site of a house, the foundations of which he claims to have seen in 1841. | Five shillings | The Tunisian Government has also, in this case, promised that justice shall be done, and I therefore refrain for the present from saying anything more. |
| " | Isidore Joseph, of Tunis, claims for damages sustained upon the seizure of his property, which he claims to be the site of a house, the foundations of which he claims to have seen in 1841, and which he claims to have been the site of a house, the foundations of which he claims to have seen in 1841. | Five shillings | Although the Tunisian Government has promised that justice shall be done, and I therefore refrain for the present from saying anything more. |
| Benayed, General Sid Hamida | Benayed, General Sid Hamida, claims for damages sustained upon the seizure of his property, which he claims to be the site of a house, the foundations of which he claims to have seen in 1841, and which he claims to have been the site of a house, the foundations of which he claims to have seen in 1841. | Five shillings | Looking to the powerful as well as adverse influences that are ranged against Benayed in his present difficulties, and to the views widely expressed in M. Camille's letter of the 11th November (No. 6 of my despatch No. 62 of the 30th ultimo), I help feeling that this case ought to be submitted to arbitration rather than to the judgment of the local courts. |

| Name of Claimant | Nature of Claim | Amount claimed | Remarks by Mr. Roade |
|-----------------------------|--|----------------|--|
| Benayed, General Sid Hamida | Restitution, with recoupment of damages, of a valuable plot of ground situated in the Marina quarter of the city of Tunis, which, although for nearly forty years in his undisputed possession by right of title-deeds, which he still holds, was, on the 11th June last, invaded by M. Marscha, the representative in Tunis of the House Company, and a band of workmen, notwithstanding the presence and protestations of a watchman who had been placed there by Her Majesty's Consulate-General with the acquiescence of the Consul-General of France. | Five shillings | Her Majesty's Government having come to a decision with regard to the case and the one last above stated, I have to inform you that the same has been decided in favour of the claimant. |
| | Reparation for an illegal and arbitrary violation of his property, in the immediate vicinity of the "Hippodrome," by the seizure of a plot of ground of a watchman placed there by Her Majesty's Consulate-General, with the assent of the Consul-General of France. | Five shillings | For this Tribunal is incompetent to adjudicate upon questions relating to the property of real property in this case. I suggest, A copy of it I beg hereto to send. |

* Son Excellence le Premier Ministre du Roi à son Excellence le Ministre Résident de la République Française à Tunis

J'ay l'honneur de vous adresser ci-joint les documents relatifs aux "archives" Sid Sultan, Ain Chouan, Mch Rouba, et Ben Arada, dont j'ai l'honneur de vous avoir informé par ma lettre du 10 courant. Ces documents ont été mis à votre disposition par le Gouvernement tunisien, et j'ai l'honneur de vous en adresser ci-joint une copie. Je vous prie de vouloir bien faire connaître au Gouvernement français que les questions relatives aux "archives" Sid Sultan, Ain Chouan, Mch Rouba, et Ben Arada, ne peuvent être résolues que par le Gouvernement français, et que pour ces motifs je demande qu'il lui plaise de se déclarer incompétent.

Tunis le 28 Oct.-Nov. 1885

(Signé) Si El Aziz Bey Ali

| Name of Claimant | Nature of Claim | Amount Claimed | Remarks by Mr. Beade |
|---|---|---------------------|--|
| Benayad, Ornetel Sud Hamada | Reparation for violation of his property at Jedids by a party of notables, carryover, and others under the immediate orders and direction of the Sheikh Salah Ben Sheikh Ahmed, an "Oakil" or agent of the "Sadaka," or State Lands Administration. | Five hundred francs | I have fully reported, in my despatch No. 53 of the 30th ultimo, upon the grievance referred to and regret that conduct so reprehensible as that of the Duke of the Oukla should have been approved and sustained by the Tunisian Government, to the great prejudice of British interests and the scandal of the whole country. |
| Mrs. Maria Antonia, Scicluna, Lucia, Groch, Francesco, and Family of 10 | Indemnity for losses sustained in connection with the Oued Zergha massacre of the 30th September, 1881, when their relatives Vincenzo Borg, Leonardo Scicluna, Pabellio Groch, and Giuseppe Farrugia fell victims. | Five hundred francs | This claim has been admitted by the Tunisian Government, and I am at present informed, will be paid from funds which have, for some time past, been collected from the inhabitants of the districts where the murders were. |
| Cacciat, Annette, British Consular Agent at Hammamet | Indemnity for loss of cattle and other property stolen by Arabs during the late insurrection. | Five hundred francs | This claim has been submitted to the local authorities, but little or nothing has been done towards recovery, or payment of the claim. |
| Commissaire de la Poste | Compensation for violation of domicile at Porto Farina, and unauthorized seizure of merchandise belonging to him, on a mere supposition of contraband. | Five hundred francs | This case has been fully reported on in my despatch No. 55 of the 31st ultimo. The Tunisian Government endeavoured to justify their procedure by assuming that the store broken into was Government property and that the domicile was consequently Tunisian. It is, however, admitted in their proceedings that anybody who chose to make use of the store was permitted to do so. Caudry's occupancy was therefore allowed and recognized. It is equally clear that officials of the local Government have no Executive authority over British subjects, and that their interference in the present case was illegal. To punish a man on a mere supposition that he is guilty of an offence is too manifestly improper to admit of any pardon or excuse. |
| M. Zouheir | Indemnity for loss of property at Porto Farina, on a mere supposition of contraband. | Five hundred francs | This matter has been treated privately and a satisfactory result appeared at one time probable. Since then a change has occurred, steps will be taken to bring about a judicial process. |
| M. Zouheir | Indemnity for loss of property at Porto Farina, on a mere supposition of contraband. | Five hundred francs | The municipal authorities have promised compensation in this case, but have not carried any such intention into effect. |

| Name of Claimant | Nature of Claim | Amount Claimed | Remarks by Mr. Beade |
|---|--|---------------------|---|
| Trustees of the British Protestant Church | Indemnity for loss of property at Porto Farina, on a mere supposition of contraband. | Five hundred francs | the sudden departure from the country of the French occupation of the R. The same was the case of the ground a preference given to the "used" or lease-purchasers being the same three or four times to whom a similar was given of Benayad's ground, in the Morning quarter, which subsequently to moreover he was the church. This circumstance, indeed, appears to me, vitiated the whole transaction as a whole, as it may I have made every possible effort to come to an understanding of the matter but failed. M. Landon has declared that still he adheres to the "Sharia" and of this nature much depends on possession, I mention, on one of the trustees, that they are entitled to the position of defendants at the trial. Unfortunately he is not willing to consider so much, although the fact of our occupancy of the ground at the time is well known and notorious to admit of denial, and in order to prevent the occurrence of a scandal similar to that for which M. Landon is responsible, no agreement was come to between M. Landon and myself that, if the settlement of the matter should be under the same circumstances, I should be made to M. Landon be made that the case be submitted to arbitration. |
| Villa, Michael, and heirs of the | Indemnity for loss of property at Porto Farina, on a mere supposition of contraband. | Five hundred francs | The Tunisian Government has taken the case into consideration, but no decision has yet been reached in connection with it. |

[illegible]

[illegible]

Mr. Weston to Earl Granville.—(Received December 19.)

72, Bishopsgate Street Within, London E.C.,
December 18, 1948.

My Lord,

IN pursuance of a Resolution passed by the Directors of the Franco-English
Tunisian Esparto Fibre Supply Company (Limited) at a meeting of the 17th
December, I have the honour to respectfully submit the enclosed for your
Lordship's consideration.

On the 12th June, 1881, a Concession was granted by His Highness the Bey of Tunis to a French subject the late M. R. de M. Plessis, giving to him the exclusive right of gathering esparto grass in the district of the Regency of Tunis, and of constructing railways there, for the more economical transport of the produce of such crops. The concession cost 188 francs, over which a post special privileges were granted to the concessionaire.

M. Du Plessis subsequently sold his interest in the above Company to the above Company, from whom the above Company subsequently purchased the above property.

[illegible]

Your Lordship will perceive that one of the most important features of the Concession was the right to construct the railway or tramway, and that it was essential for the concessionaire to realize the objects of the original grant.

In Enclosure 1 it was provided as follows:—

Art. 1. — M. Du Plessis will work the "haifa" growing on the land he is called Ourghemmas, Anebia, Heddaye, Bou Hedins, Majoun, and shall be allowed to lay a road along these four localities, ending at Mars. Such a road shall be so constructed that such road shall serve solely for the transport of the labourers employed on a railway or tramway, intended for the working in question.

It is beyond dispute that by the original concession the concessionaire was empowered to lay either a tramway or roadway at its own expense. It has its own right to do so. If it chooses the latter, it will not be able to exercise its right to impose certain conditions on new but existing users of the roadway, but it will be able to construct the roadway in accordance with the SO_2 requirements. In light of the concession, namely, the transport of spirits.

The Dredgers used the same machinery as for the first dredging, but adapted for the purposes of the transport of the material to the shore. On the coast, the rest of the way, surfaced for the purpose, the 6-in. gauge, a light narrow gauge surface railway, or tramway, worked by hand, or mules, or mares, was amply sufficient, and a contract was awarded to the Glasgow & Company for the construction.

Relying on the copy previously used, the original French manuscript, and the highly remarkable language of the ratification, he obtained the Directors' approval. Thus, on the 2nd February, 1893, he submitted plans for the proposed railway as a pressing formal request to the French Minister Resident for the Colonies, to be performed.

The Company's representative was informed that the construction of the railway as proposed could not be allowed, unless the Company was prepared to adopt a gauge and road of such substantiality as would far exceed the requirements of the Company's transport and involve them in a ruinous and wholly unremunerative expenditure.

The Company continued its negotiations, in the course of which the Master Resident proposed the following arrangements as a solution of the difficulty:

1. That the Company should await to learn the views of the Minister of Public Works in Paris as to whether he desired the Skara-Bouhedwa line of this Company to form part of the State line from Gafsa to Bona or not. In the former case the gauge would have to be 1 metre and 10 centim., and heavily constructed work, but the Government would give a compensation to be fixed.

In view of the possible alteration in the British Consular jurisdiction in Tunis, the Directors submit to your Lordship the proposal that the British Consular jurisdiction in Tunis should be extended to the whole of the Kingdom of Tunis, and respectfully beg that the protection of Her Majesty's subjects in Tunis should be extended to the same.

(For R. W. Surtees, Secy. to the Board of Directors)
Esparto Fibre Co. Ltd., 10, Abchurch Lane, London, E.C. 4, ENGLAND.
Sole U.S.A. Agent: W. H. WESTON, 100 Broadway, New York, N.Y.

[enclosure 1 in No. 244]

Conclusion

First Second.

(Techniques)

Prayer for God's

ON behalf of the servant of the glorified God of him who is the Father, in him and leaves to him the care of his destiny, may God direct his actions into the good path.

In conformity with the high supervision appertaining to us over all questions of public service, we have conceded to the Honourable M. PIERRE-PLAQUEMIN, Minister of Agriculture, the right of extracting the "halva" from the under-mentioned mountains under the following conditions :—

Article 7. The said M. du Plessis will work the halfa growing on the mountains called Oughlanas-el-Qnarchin, Hiski Bou Hishin, and Majoura, and shall be allowed to lay out a road along these mountains terminating at the Marsa Skura Port, under the condition that such road shall serve solely for the transport of the halfa, either by means of a railway or of a tramway intended for the working in question.

The benefits of said Concession shall remain in his hands during his life, and years from the date of our present Decree, so that no person, other than I, and my heirs, may right or demand the said concession.

Art. 2 The said party engaged on the export of the said cotton before specified term is restored to the Tunisian Government all the benefits of this Convention in the best condition without any opposition on the part of the holder or of whomsoever may stand in his place or stead, and said restoration shall be effected without compensation.

Art. 3. The concessionnaire engages to employ for the purpose of extracting the hulla and transporting same from the mountains to the said railway, the people of the country, and make use of the beasts of burden belonging to the natives at the usual prices.

Art. 4. The concessionnaire engages to pay to the Treasury Government the taxes at present received on the bulk of such as may hereafter be imported.

Wherever shall see these presents shall be bound to conform thereto.

Written the 15th Rejeb, 1298 (12th June, 1881)

(Countersigned) MOUSTAPHA.

A true translation:

The First Dragomann of the Consulate-General of France,
(Signed) A. SUMMARIVA.

Seen for the legalization of the above signature of M. A. Summarisco, First Dragonman of this Consulate-General.

Takia, June 13, 1881.

For the Resident Minister of the French Republic, and by authority,
(L.S.) A. LEYSUM

Consulate-General of France in Tunis, French Republic

Inclosure 2 is No. 244

Concepts

Second Schedule.

BETWEEN his Excellency General Mohammed, First Minister of His Highness the Bey, acting by virtue of powers conferred upon him by the Bey, Asad of this date, and subject to the approval of the Executive Committee, conformably with Article 9 of the Decree of the 30 July, 1882, and with the Resolution of the 4th January, 1882, of the Council of Ministers, and the report of the latter, has been agreed that the conditions under which Beyler Asad, on 15 July, 1882, of M. Duplessis, could be recalled, with the object of the execution of the project of the Bey, is to be considered the one of the following nature:

Article 1. M. Duplessis shall work the halfa existing in a territory denominated Djebel-bou-Hedrum, at the north of the Gafsa to Sfax and Djebel Majoura, in the Haumands, on the road from Gafsa to Kairouan Djeb Augurim Haadaj or Haddadj, to the north-west of the Bou Hedrum.

the Agency shall be empowered by us to proceed to determine the boundaries of the

[illegible]

to which the concessionaire shall be subject as regards the construction and working of the railway.

Art. 3. The concessioner shall be strictly bound to respect, as regards the working of the land and private property belonging to the natives, the laws and customs in force within the territories where the working is conceded to him. He must also respect on those territories the customs or servitude which the natives may at present enjoy, especially those of hunting, water carrying, flood gathering, salt water supply for their flocks, and animals.

And I think we shall take care that the thing of the half-sectioned by the most careful hands as far as possible. It is necessary precautions to augment the capacity and receptivity of the street.

Act 6. If by any reason of the insufficiency of native workmen the emergency should employ foreigners it would, of course, be at his risk and peril, and no foreigner would be compensated in the event of their death or disability, or loss of employment, whether from foreseen or unforeseen events.

Art. 6. The concessioner shall guarantee a continual discharge of not less than 10,000 tons of tax for this and the following years, the tax to be exacted at the rate of 10,000 tons, with quarter year's advance, as in the table of export duty paid by the concessioner at the Customs Export Office. If it should happen that this minimum be not reached during three consecutive years, the concessioner by this act alone would be deprived of the privileges of the present Concession without being necessary to serve him with any extra judicial document, except a notice of this diminution in the exportation being the direct consequence of a tariff being duly certified. The Government will take the necessary steps to establish a Customs Agency at Skira as soon as the concessioner shall have requested it.

Art. 7. The parties by mutual agreement decide that all differences which may arise between them shall be decided by the French Tribunal at Tunis.

It shall be the same even in the event of M. Duplessis ceasing his rights for whatever cause.

and a further order for the work to be done and to obtain from it for the good of the society the best possible results, authorizes him (1) to have the papers to be developed, through the Skarn, all works necessary for the carrying out of the plans of these works submitted for the approval of the

of the Government, who will superintend their execution; the works shall always be maintained in good condition. They shall benefit the State under the same conditions as provided for the railway in Article 18 of the Bye-laws.

The Government shall subsequently decide, if necessary, at what tariff the works in question shall be placed by the concessioner at the public disposal without injuring or prejudicing the interest of the working.

(2.) The concessioner shall moreover, during the period of the Concession, be exempt from all customs duties, taxes, or duties of any kind on the material, combustibles, engines, tools, or machinery employed in the building, maintenance, and working of the railway and the works for the shipment of the halfa.

The articles imported free of duty shall be used exclusively for the requirement of the railway and maritime works, and shall not, under any pretext whatever or in any form, be delivered for public consumption. Should there be fraud or abuse of trust proved on the part of any of the agents of the concessioner the latter shall be responsible for it.

Additional Clause.—The right of establishing a railway for the carriage of the halfa, a right of which mention has been made in the Deed of Concession, remains by mutual agreement in reserve until a solution is found of the difficulty which has arisen on this subject, and which the Government of His Highness wish to see settled favourably to the interests of the concessioner.

Written in duplicate for one and the same effect, the 29th of the month of Rejeb 1299 of the Hira, which corresponds to the 14th June, 1882.

Approved the above written.

(Signed) DUPLESSIS.

Visa for legalization of the above signature of M. Duplessis, concessioner, residing at Paris, at present in Tunis.

Tunis, June 17, 1882.

The Chancellor of the French Consulate,
(Signed) G. ROBINS.

On the original in Arabic are the following remarks: Visa in verification of the above signature of Si Mohammed, First Minister of His Highness the Bey of Tunis.

The First Dragoman of the Residency,

(Signed) A. SUMMARISA.

Visa for legalization of the above signature of M. Summarisa, First Dragoman of the French Residency.

Tunis, June 17, 1882.

The Chancellor of the French Consulate,
(Signed) G. ROBINS.

A correct copy.

Tunis, June 17, 1882.

The Chancellor,
(Signed) G. ROBINS.

The Common Seal of the Franco-English Tunisian Esparto Fibre Supply Company (Limited), was herewith affixed, the 21st day of September, 1882, in the presence of

(L.S.) E. J. HUGHES
ALGERNON ROUTKE,
CHARLES LIGHT,
WILLIAM WRIGHT } Directors.

Signed, sealed, and delivered by the above-named Edward Jordan Hough, in the presence of

(Signed) F. R. M. PHILIPS, Solicitor,
3, Finsbury Circus, E.C.

No. 245.

Signor Portelli to Earl Granville.—(Received December 19.)

(Telegraphic)

Tunis, December 10, 1883.

VOLLETE avere la bonta di ordinare al Signor Arpa, incaricato Agente, S. M. B., Vice-Console-Generale, di ascoltare miei ragioni d'un falso rapporto fatto [? fatto] contro me?

(Translation.)

WILL you have the goodness to instruct Mr. Arpa [? British] Acting Agent and Vice-Consul-General, to listen to my explanation of a false accusation that has been made against me?

No. 246

Sir J. Drummond Hay to Earl Granville.—(Received December 20.)

(No. 95. Secret)

My Lord,

Tangier, December 12, 1883.

WITH reference to my despatch No. 92, Secret, of the 13th November, I have the honour to transmit a translation of an extract from a letter addressed to me by the Vizir Mokhtar by order of the Sultan, informing me that the secret Memorandum I had transmitted to His Sherectian Majesty on the subject of his relations with France had been received.

It is evident from the vague reply of the Vizir that the Sultan had thought it inadvisable to impart to his Chief Minister the contents of my Memorandum.

I have not as yet heard of any preparations being made by M. Oranga to visit the Moroccan court though he had previously intimated to Mohammed Bargasat that it was his intention to proceed there this autumn.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 246

The Vizir to Sir J. Drummond Hay.

(Translation.)

(Extract.)

(After compliments.)

Moharrem 30, 1301 (December 1, 1883).

WE have received your letter inclosing a secret communication addressed to our Lord the Sultan, and also a Memorandum on the subject of the exportation of wheat and barley.

With regard to the former communication, we delivered it to our Lord, and His Majesty was pleased with it and approved that you transmitted the information, and he prayed God for your welfare, and ordered me to say that it had reached him in safety, and will be attended to with consideration.

Thus, His Majesty said, will suffice to you as his reply.

No. 247.

Mr. Reade to Earl Granville.—(Received December 20.)

(No. 65.)

Royal Hotel, Victoria Embankment, Blackfriars,
December 19, 1883.

My Lord,

I HAVE the honour to report my arrival at the above address, and to state that I hold myself entirely at your Lordship's disposal.

I have, &c.

(Signed) THOS. F. READE.

* For remainder of this letter, see Inclosure in No. 16, Commercial, of December 12, 1883.

Earl Granville to M. Catalan.

M. le Chargé d'Affaires,

Foreign Office, December 20, 1893.

ON the 16th instant you stated verbally that you had been instructed by your Government to submit the expediency of Her Majesty's Government and that of Italy acting in concert in their communications with the French Government respecting the settlement by arbitration of the claims of their respective subjects upon the Regency of Tunis.

You are no doubt aware, M. le Chargé d'Affaires, that in the course of last month I placed in Count Nigra's hands a copy of a note which I had addressed on the 16th November to M. Waddington, stating the conditions upon which Her Majesty's Government would be prepared to surrender British Consular jurisdiction in Tunis, amongst which were the immediate settlement by arbitration, or otherwise, of outstanding claims of British subjects upon Tunis.

On the 21st ultimo the French Ambassador informed me verbally that he had been instructed to express the thanks of his Government for my communication above referred to, and to state that they acceded to the first, second, third, and fifth reservation, whilst as regarded the fourth, namely, the settlement of all outstanding claims by arbitration, they felt some difficulty as regarded questions in dispute which related to title to land (quoting a case in point), which the French Government considered should be settled by the competent Tunisian Tribunal.

His Excellency at the same time asked to be furnished with a list of the British claims, which Her Majesty's Agent and Consul at Tunis has now sent home, and his personal attendance in this country has been requested in order to facilitate in such manner as may be considered expedient the consideration of this matter.

Her Majesty's Government will continue to insist on the fulfilment of the condition thus laid down in regard to the settlement of these claims, but they are of opinion that it will be better for the two Governments to maintain the attitude they have already observed of intercommunication, without having recourse to joint action in this matter.

I have, &c.
(Signed) GRANVILLE.

No. 249

Dr. Arpa to Earl Granville.—(Received December 21, 5:30 P.M.)

(No. 94)
(Telegraphic.)

Tunis, December 21, 1893.

AN attempt was made by a French officer and two gendarmes to arrest Carmelo Demeck, a British subject.

The officer slapped his face. He struck him in return, and a scuffle ensued. The officer and gendarmes, of whom one is a Captain, caught hold of Demeck, and would have arrested him but for the action of the Maltese mob and that of two of our janissaries, who rescued the man from their hands. The French came, struggling against their opponents, in the attempt of arresting Demeck, to the very door of the British Consulate, where he got in, and where one of them drew his sword. Will lodge protest at the French Resident's.

No. 250

Mr. Reade to Mr. Staveley.—(Received December 21.)

Dear Mr. Staveley,

Royal Hotel, Victoria Embankment, December 21, 1893.

I HAVE received your notes as to the cases of Portelli and Levy. Regarding the first I am unable to give any information, but I do not think he and the prisoner "Pai-pai" are the same person. The name "Portelli" is a common one in Tunis, and I scarcely think Pai-pai has the means of telegraphing. It appears to me Dr. Arpa can alone give the required information. I therefore return all the papers about Pai-pai to the Foreign Office.

With reference to Mr. Levy's claim, I can add little to what is stated in my late Report on the subject. I personally saw the spot, and can attest that the site of the property is one of the most important at Gabes, and that the price offered by the French is manifestly inadequate.

Yours, &c.
(Signed) THOS. F. READE.

No. 251

Sir J. Pouncefote to M. Catalan.

SIR JULIAN POUNCEFOTE presents his compliments to M. Catalan, and in reply to express his regret as to how far Her Majesty's Government have supported the claim of the Maltese Mangano to an indemnity on account of his arrest and imprisonment by the French authorities. This last claim is entirely foreign to Her Majesty's Government, and they do not intend to forward any claim to indemnity on Mangano's behalf, and that they have not in any way interfered in regard to the claim which it would appear that Mangano has advanced on his own account.

Foreign Office, December 21, 1893.

No. 252.

Mr. Reade to Earl Granville.—(Received December 22.)

(No. 66.)

My Lord,

Royal Hotel, Victoria Embankment, December 21, 1893.

I REGRET to be compelled to bring to your Lordship's notice a violation of the property of General Ben Ayad which took place on the 19th December, when I was on the point of starting for England, and which I have, up to the present time, been unable to report. Up to that day General Ben Ayad had been in peaceful possession of the land in question, which was occupied by the Maltese, and was occupied by Messrs. Marchal and Delsol. I had to prevent the possibility of an outrage such as has now occurred, two guards were sent with me to the scene, and the examination of their mandates, the land was invaded by a band of persons headed by a Greek subject named G. Gringa (who is himself a tenant of M. Delsol, and who professes to have bought a disputed title), the guards were expelled, and building operations immediately commenced. I called on the Greek Consul on the same day with a view to settling the matter, but he refused to do so, and I am sorry to say that the result was a further violation of the property. I have accordingly addressed him a written protest (Inclosure 1), and afterwards transmitted to him (Inclosure 2) a Petition presented to me by General Ben Ayad's legal adviser. Two days later the Greek Consul sent me an answer (Inclosure 3) to my first communication, in which he ignores entirely the fact of the land having been under the guard of persons appointed by Her Majesty's Consulate-General, and the presence of one of his own janissaries at the time the outrage was committed.

I am consequently compelled to place the matter in your Lordship's hand, and venture at the same time to express a hope that measures may be taken to put a stop to these unprecedented acts of aggression.

The case now complained of is all the more flagrant as, on a late occasion, a similar question arose with the French military authorities,* who, on becoming aware of the protest it had become my duty to record against them, immediately surrendered the ground they had taken to the custodians they had found in charge of it.

I have, &c.
(Signed) THOS. F. READE.

* I reported the matter to your Lordship at the time telegraphically.—T. F. R.

Inclosure 1 in No. 252.

Mr. Reade to M. Vassiliades.

Tunis, December 10, 1883.

Sir, WITH reference to the subject of our interview this afternoon, I have the honour to repeat the written protest which I have already verbally made on my own behalf as well as that of my chousma, Sid General Hamida Benayad, for the invasion and forcible occupation of a plot of ground belonging to the property of the "Régie de Tabacs," by a Greek subject named Gringa, notwithstanding the presence and protestations of a watchman named Hadj Mohammed Susi, who had been placed there by myself for the better security of the property.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 2 in No. 252.

Mr. Reade to M. Vassiliades.

Tunis, December 12, 1883.

Sir, AT the request of my administré, the General Sid Hamida Benayad, I have the honour to transmit to you the accompanying copy of a Petition which that gentleman has, through his attorney, addressed to me respecting the forcible seizure and occupation, by a Greek subject named Gringa, of a plot of ground belonging to him in the Marina Quarter of this city, notwithstanding the presence there of two custodians of the same, who had been placed there by my orders, and were furnished with certificates to that effect with my official signature thereto affixed, which they (the said custodians) did not fail to exhibit to the invaders of the property.

Having brought this matter personally to your notice, and failed to obtain through your official intervention, the redress to which I was entitled for an outrage which is almost without parallel in this country, and which has been aggravated by the appearance on the ground of a janissary of your office, I can now only place the matter in the hands of Her Majesty's Government—a duty which the views you were so good as to express to me as to the validity of M. Gringa's title, and incompetency of the local Tribunaux to adjudicate in questions of this nature, have rendered doubly necessary.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 3 in No. 252.

M. Vassiliades to Mr. Reade.

Tunis le 2 (11) Décembre 1883.

M. l'Agent et Consul Général, J'AI l'honneur de vous accuser réception de la communication que vous m'avez adressée, en date du 10 de ce mois, par laquelle vous me faites connaître l'invasion et l'occupation forcée d'un terrain situé dans cette ville et appartenant, d'après votre avis, au Général Hamida Benayad, votre administré, par le Sieur J. Gringa, sujet Hellène, et que, par suite de cette occupation, à l'effet, vous protestez contre ce Consulat Royal pour n'avoir pas empêché cette occupation.

En réponse à votre communication susénoncée, permettez-moi, M. l'Agent et Consul-Général, de vous répéter, au sujet de cette affaire, tout ce que je vous ai exposé verbalement, pendant notre entrevue, que le Consulat de Sa Majesté n'aurait jamais permis à des sujets Hellènes d'envahir une propriété étrangère et que le Sieur J. Gringa n'a fait aucune invasion sur une propriété Anglaise, mais tout simplement il prit possession du terrain qui lui a été cédé en "enfel," moyennant des actes officiels de concession par le Dr. Campagnolo, sujet Italien, qui était lui-même concessionnaire légitime de ce terrain, en vertu des titres officiels de l'Administrateur de la Medersa Sadika. Pour toutes ces raisons, le Consulat Royal n'aurait jamais pu ordonner au dit Sieur Gringa d'abandonner ce terrain, étant fourni des titres authentiques qui le constituaient locataire perpétuel du terrain en question, sans attirer sur lui de graves responsabilités. Si, cependant, le Général Hamida Benayad croit avoir des raisons pour revendiquer la propriété du terrain légitimement occupé par Gringa, il

pourrait s'en adresser compétamment et à qui de droit. Si par contre il veut s'opposer à la concession en "enfel" du dit terrain, il faut qu'il se présente devant un procès, devant les juges compétents de ce pays, devant le Tribunal Consulaire Hellène, aux fins qu'il le fasse.

En terminant, je veux espérer, M. l'Agent et Consul-Général, que vous voudrez bien me permettre de faire tomber la responsabilité que vous venez de diriger contre ce Consulat Royal par votre protestation à tout autre qu'à moi, d'autant plus que cette protestation est sans fondement et par conséquent inadmissible.

Agnez, &c.
(Signed) E. VASSILIADES.

Inclosure 4 in No. 252.

Mr. Reade to M. Vassiliades.

Tunis, December 22, 1883.

Sir, I HAVE the honour to acknowledge the receipt of your official letter of yesterday, replying to one I had addressed you on the 10th instant, protesting against the invasion and forcible occupation of land belonging to General Benayad by a Greek subject named Gringa. I express my astonishment that, notwithstanding my above-stated letter of the 10th, and the one which followed from this Office of the 12th, you should have taken the ground in question was rightly or not in the possession of the Benayad family, it was at the time occupied and in the charge of custodians placed there by the Agency and Consulate-General, and that you should have taken the fact, which they did not fail to exhibit in justification of their protestations when the invasion took place.

As to the merits of the question regarding the validity of Benayad's or Gringa's title, I leave it to those who are more competent than I am to decide. Time will show whether the Medersa Sadika had the right to dispose, as it had done, of Benayad's property. In the meanwhile, I must insist that the authority of the office, which Her Majesty's Government has entrusted me shall be treated with the respect to which it is entitled, and if, instead of attacking the party who had transferred to him a property he found occupied by custodians representing the English Consulate-General, M. Gringa chose to buy a claim to an all-god "enfel" which he knew perfectly well was, to say the least, disputed by Benayad, and take it by force in defiance of the Consulate-General, and is supported in this procedure by his own Consular authority, it will be my duty to make such representations to Her Majesty's Government as I trust will bring to an end a state of things which in no country with a Constitutional form of Government would for one moment be tolerated, and which, apart from all other considerations of propriety and justice, is so calculated to disturb the peace and tranquillity of the whole community.

I have, &c.
(Signed) THOS. F. READE.

No. 253.

Dr. Arpa to Earl Granville.—(Received December 22.)

(No. 36)
(Telegraphic.)

Tunis, December 22, 1883.

I AM informed by the French Consul-General M. Pailhat that Pailhat, alias Pail-pai, was sentenced by French military authorities to two years' imprisonment.

No. 254.

Earl Granville to Sir J. Drummond Hay.

No. 55.

Foreign Office, December 22, 1883.

Sir, I TRANSMIT to you herewith, for your observations, copy of a further letter which I have received from Messrs. McNaught, Pearse, and Middleton upon the subject of

the events arising out of the proceedings of the Sûs and North African Trading Company."

Her Majesty's Government are not disposed, upon the information before them, to alter their views as to the illegality of the proceedings of this Company, but they cannot view without concern the imprisonment of the Company's native servants, who are not primarily responsible for infringing the fiscal regulations of Morocco, inasmuch as they were incited by British subjects to commit the acts for which they are now suffering punishment.

Her Majesty's Government would therefore be glad if you saw your way to urging the Sultan to liberate these unfortunate men as an act of grace.

Mr. McNaught called at this Office on the 6th instant to urge the claims of the Company to redress. He stated that he had placed in your hands a Memorandum of the facts of the case, which had not been communicated by you to Her Majesty's Government, and he has since furnished this Office with a copy of it, which you will find in his letter of the 7th, transmitted herewith. I should be glad to receive a report from you on that part of his statement in which it is alleged that the goods were landed with the knowledge and sanction of an officer of the Sultan, named Kaïd Boazza, who himself purchased some of them, and that, even on the arrival of the Sultan's Envoy and soldiers, no objection was made on the ground of illegal traffic, but that, on the contrary, they were encouraged by the latter in the belief that their goods would be safe. If so, they were the victims of a deception practised on them by the officers and agents of the Sultan, which would throw a different light on the transaction, and call for further inquiry.

I am, &c.
(Signed) GRANVILLE.

No. 255.

Sir J. Pouncefote to Messrs. McNaught, Pearce, and Middleton.

Gentlemen,
I AM directed by Earl Granville to inform you that your letters of the 27th, 28th, and 7th instant, respecting the operations of the Sûs and North African Trading Company in Morocco, are under consideration.

I am, &c.
(Signed) JULIAN PAUNCEFOTE

No. 256

Sir R. Morier to Earl Granville.—(Received December 25.)

(No. 195. Secret and Confidential.)

My Lord,
WITH reference to my last preceding despatch I have the honour to state to you that I have this day, by authority of speaking, to Señor Ruiz Gomez or Morier, and that I asked his Excellency whether he had received any fresh news from Señor Drosado. He said he had not, but that he had written to him to put water in his wine and not to be too much impressioned by the words of a French colonel, but to wait for him and to report thereon to his Government. I inferred from what he said from his Excellency that Señor Drosado's Report must have been far less reserved and more explicit than that of Sir J. D. Hay.

His Excellency then repeated what he had said to me on the last occasion we had spoken together on the subject, as reported in my despatch No. 195, of the 20th November, to the effect that any offensive action by France in Morocco would have as its immediate and necessary consequence the throwing of Spain into the arms of Germany, and on the present occasion he particularly requested me to inform your Lordship of what he had said.

I confess that this repetition of the same declaration, and his Excellency's insistence on it, showing that on the former occasion they were not mere words, casually uttered, have somewhat preoccupied me, as showing what appears to me such a total misconcep-

* No. 201.

† No. 226.

tion of the relations which Germany may be wishing to establish with Spain. For nothing, I should think, could be further from Prince Bismarck's thoughts than the sending, at the beck and call of Spain, of a Prussian army to Morocco to oppose a French invasion, and I cannot but regard this as one of the unfortunate results of the Crown Prince's visit, and of the policy of publicly advertising anti-French alliances, even where they do not exist, which gave rise to the visit. The Spaniards have no idea of binding themselves to be on the side of Germany should a war break out. But they have got to believe that their alliance is indispensable, and that in any difficulty they have only to hold up a little finger and therewith to call forth the German legions to their assistance.

I have been struck all the more by these utterances because of Señor Ruiz Gomez's extreme desire to keep clear of entangling alliances, and of his genuine wish to do all he can to stand well with France, and my conviction, therefore, is that on both occasions he was giving utterance rather to the collective opinion of the Cabinet, thus bearing unconscious witness to the prevailing state of the Ministerial atmosphere on the subject, than expressing his own deliberately formed views.

I asked the Minister of State whether he had in any way referred in his conversations with the French Ambassador, or in his instructions to the Duke de la Torre, to the Reports from Señor Drosado. His Excellency replied that unfortunately his relations with the French Ambassador were of a kind which rendered any profitable conversation well-nigh impossible. The recent events at Iran, Baron Des Michels' attitude of non-interference, and the general state of affairs in the East, were all cases of exceptional difficulty, and it was impossible to find common ground on which to cultivate friendly relations. But Señor Ruiz Gomez added that he should not think of making making serious remonstrances to France in connection with Morocco without previous consultation with Her Majesty's Government.

I should be glad to refer to what Señor Ruiz Gomez said relative to Baron Des Michels, that his Excellency gave me very clearly to understand that the continuance of that personage as French Ambassador here would be a great hindrance to friendly relations with France, in view of the strong public feeling which has existed at times in Morocco, might any day break out into a revolution. He allowed me not less clearly to perceive that he would consider it a duty to look towards France and Spain if your Lordship would find a confidential opportunity to point out to the French Government how indispensable it would be to have an Ambassador here who would be better calculated than Baron Des Michels to cultivate good relations between the two countries.

I have, &c.
(Signed) B. B. D. MORIER.

No. 257

Sir J. Pouncefote to the Law Officers of the Crown and Dr. Drane.

Gentlemen,
I HAVE the honour to transmit to you, by direction of the Secretary of State, the accompanying draft of an Order in Council* which it is proposed to pass on the 1st January next for the abandonment of Her Majesty's Consular jurisdiction in Tunis.

That jurisdiction is at present regulated by the Ottoman Order in Council of the 11th December, 1873,† and the Ottoman (Tunis) Order in Council of 1881.

I am to invite your attention to Earl Granville's letter to the French Ambassador of the 16th November, 1883,‡ in which certain conditions are laid down, on which the consent of Her Majesty's Government to abandon British Consular jurisdiction in the Regency is made to depend.

Those considerations have been acceded to by the French Government, and they are most anxious that the new régime should be introduced on the 1st January, 1884.

The French Law establishing the new Tribunals will be found at p. 39 of the printed correspondence (Tunis, 4855, 1882-83). It is dated the 27th March, 1883, and was published in the Tunisian Government Gazette (*Ibid.*, p. 35). By a Decree of the

* Draft Order in Council.
† Tunis Order, 1881.

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‡ Ottoman Order in Council, December 12, 1873.
§ To M. Waddington, November 16, 1883.

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ALL WITHOUT PERMISSION OF THE
OFFICE

Bey of Tunis of the 5th May last (Correspondence, p. 41) it is declared that the subjects of foreign Powers whose Consular jurisdiction shall have been abandoned shall become justiciable by the French Tribunals under the same conditions as French subjects.

As regards the form of the Order in Council, I am to refer you to a Memorandum by the late Sir F. Reilly of the 15th June (Correspondence, p. 48). Since that date the French Tribunals have been actually established, and their power to exercise jurisdiction over foreigners is derived from Article 2 of the French Law of the 27th March (Correspondence p. 39), and the Decree of the Bey of the 5th May (*Ibid.*, p. 41). You will observe that the draft Order has been prepared substantially in the form suggested by Sir F. Reilly, and in accordance with the precedent referred to in his Memorandum, and which you will find at p. 147 of the accompanying collection of Orders in Council for Turkey and Egypt.*

Her Majesty's Court for Tunis will still continue to exercise its powers for the purpose of disposing of pending cases, and of cases relating to real property, as to which I am to refer you to the French Memorandum (Correspondence, p. 61), under the title "Observations Générales."

I am to request that you will take the papers transmitted herewith into your consideration,† and that you will favour Lord Granville with your opinion as to whether the draft Order may properly be submitted to the Queen for Her Majesty's approval.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 254

Sir H. Ponsonby to Sir J. Pouncefote.—(Received December 27)

(Telegraphic.)

Osborne, December 27, 1883.

PEEL telegraphs about a Council, saying he has asked you if it is absolutely necessary immediately. Please let me hear what answer you send him.

No. 259

Minute by Sir J. Pouncefote.

Lord Granville,

I HAVE at last come to terms about the British claims, subject to your approval and confirmation.

As regards all pecuniary claims, they will be settled, if possible, by negotiation, and failing that, by arbitration (subject to stipulations recorded in M. Waddington's letter).

Claims relating to land will be settled by the Native Tribunals, or "Sharah," it being agreed that whichever party ought by law to be the plaintiff shall at once commence proceedings against the other, and in case of dispute as to which should be plaintiff and which defendant, the Sharah shall decide this preliminary point.

Pai-pai is to be released. (This is a further point I bargained for.)

M. Waddington has just called with the reply to our letter of the 10th November, embodying the mode of carrying out Article IV, as settled by Baron d'Estournelles and myself. It specifies only "réclamations mobilières," but he said we would exchange notes about the "réclamations immobilières," as they were to be dealt with in the ordinary course of law, and the stipulations respecting them would confuse the present reply.

He said *Pai-pai* would be released, and expressed his warm thanks for the efforts we had made to bring matters to a conclusion.

If you approve of the terms, will you be kind enough to return the French reply for M. Waddington's signature?

I hope the Order in Council can be passed at latest on the 1st January. We should make a push for Monday, the 31st December.

We shall have to telegraph to Dr. Arpa to take no cases after the 31st.
December 27, 1883.

J. P.

* Order in Council for Turkey and Egypt.

† Papers indicated in previous footnotes, and additional papers. To Law Officers, September 8, Law Officers, October 10, to Lord Lyons, No. 1111, November, 21, 1883.

No. 260.

Sir J. Pouncefote to Mr. C. L. Perl.

Sir,

Foreign Office, December 28, 1883.

I AM directed by Earl Granville to transmit to you, to be laid before the Lords of Her Majesty's Most Honourable Privy Council, for signature as the Lords may or may not direct, a draft Order in Council, and Order in Council, relating to the 1st instant, having for its object the abandonment, on and after the 1st January, 1884, of Her Majesty's Consular jurisdiction in the Regency of Tunis.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 260.

Draft Order in Council.

AT the Court at Osborne, the 31st day of December, 1883

Present.

THE QUEEN'S MOST EXCELLENT MAJESTY.

Whereas, by Treaty, Capitulation, grant, gift, sale, and other lawful means, Her Majesty the Queen has power and jurisdiction in the Regency of Tunis,

And whereas the exercise of the power and jurisdiction aforesaid is now regulated by an Order of Her Majesty in Council made the 12th day of December, 1873, and several amending Orders in Council, and by the Ottoman (Tunis) Order in Council of 1881, establishing Her Britannic Majesty's Court for Tunis

And whereas, by virtue of certain laws of the French Republic, and of certain Decrees of His Highness the Bey of Tunis, French Tribunals have been established in the Regency

And whereas, by a Decree of His Highness the Bey of Tunis, dated the 5th March, 1883, it is declared that the subjects of foreign Powers whose Consular Courts in the Regency shall be abolished shall be justiciable by the said French Tribunals under the same conditions as French subjects,

And whereas Her Majesty the Queen has consented to abandon her Consular jurisdiction in Tunis, and the subjects of the Regency, who are justiciable by the said French Tribunals, under the same conditions as French subjects, and to the extent of the jurisdiction vested by law in the said Tribunals

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, or otherwise, in Her Majesty vested, is pleased by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:—

As regards all such matters and cases as come within the jurisdiction of the said French Tribunals, the operation of the Orders in Council regulating Her Majesty's Consular jurisdiction in Tunis shall cease to be in force and effect on and after the 1st day of January, 1884, except as regards cases of murder committed in Her Britannic Majesty's Court for Tunis on the day above mentioned.

And the Right Honourable the Earl of Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, and the Lords Commissioners of the Customs, are to give the necessary directions to the respective authorities.

No. 261.

Earl Granville to Dr. Arpa

(Telegraphic.)

Foreign Office, December 28, 1883, 5.45 p.m.

AN Order in Council will be passed on the 31st instant abolishing the jurisdiction of Her Britannic Majesty's Court for Tunis on and after the 1st January next, except as to pending cases.

No new cases, therefore, should be taken by you after the 31st instant.

M. Waddington to Earl Granville.—(Received December 29.)

M. le Comte,

Londres, le 29 Décembre, 1883.

EN me référant à la lettre du 16 Novembre dernier, par laquelle votre Excellence a bien voulu me faire connaître dans quelles conditions le Gouvernement de Sa Majesté le Reine serait disposé à supprimer pour le 1^{er} Janvier prochain sa Cour Consulaire à Tunis, je suis heureux de vous faire savoir que le Gouvernement de la République ne voit aucune difficulté à accepter ces conditions.

Il n'y a, en réalité, que l'Article 4 de ces conditions qui ait nécessité quelques explications entre nous, je me permettrai de rappeler à votre Excellence ce dont nous sommes tombés d'accord à cet égard.

Les contestations mobilières entre le Gouvernement Tunisien et des sujets ou protégés Anglais seront réglées à l'amiable, s'il est possible, et sinon soumises à un arbitrage.

Les arbitres seront choisis d'une part pour le Gouvernement Tunisien par le Gouvernement de la République, d'autre part pour les sujets ou protégés Anglais par le Gouvernement de Sa Majesté, ils désigneront, en cas de désaccord, un tiers arbitre. (Les frais de l'arbitrage seront payés par les parties dans la proportion fixée par les arbitres.)

Il est bien entendu que ce règlement arbitral ne pourra en aucune façon revenir sur l'arrangement international du 23 Mars, 1870, et sur les décisions de la Commission Financière qui a été instituée dans l'intérêt des créanciers Européens par la France, la Grande-Bretagne, et l'Italie.

Par conséquent, ne pouvant être soumises à l'arbitrage les réclamations antérieures au dit arrangement, c'est-à-dire celles qui ont été déclarées par la Commission, n'auront pas été présentées à la Commission avant le 20 Février, 1870, date à laquelle les lettres du Gouvernement Tunisien ont été officiellement arrivées.

Dans le cas où il y aurait contestation entre les parties sur la question de savoir si une réclamation antérieure à la date du 20 Février, 1870, n'aurait pas été présentée en temps utile à la Commission Internationale, les arbitres, avant d'examiner le point au fond, consulteront la Commission.

Si celle-ci déclare que la réclamation n'a pas été présentée en temps utile, la réclamation ne sera pas soumise à l'arbitrage et restera déclinée.

Si elle déclare, au contraire, que la réclamation lui a été présentée en temps utile, et s'il est établi que c'est par une cause dont le réclamant n'est pas responsable, qu'elle ne l'a pas classée, la réclamation sera jugée par les arbitres.

Si leur sentence condamne le Gouvernement, la réclamation sera renvoyée de nouveau à la Commission, afin qu'elle soit classée dans les conditions de l'arrangement du 23 Mars, 1870.

Veillez, &c.
(Signé) WADDINGTON.

Mr. Reade to Mr. Staveley.—(Received December 31.)

Dear Mr. Staveley,

London, December 20, 1883.

I HAVE read the papers as to the position of the English Esparto Company at Tunis. The assertions contained in the Secretary's letter are to my knowledge correct. Much further trouble might be obviated by the French authorities at once allowing the Company to carry out the scheme of a tramway in accordance with the terms of the Concession and the requirements of their undertaking. If, for military purposes, the French desire a railway of broader gauge, it seems to me the Company cannot be expected to bear the increased cost.

Very truly, &c.
(Signed) THOS. F. READE.

M. Waddington to Earl Granville.—(Received December 31.)

M. le Comte,

Londres, le 30 Décembre, 1883.

AU moment où s'est établie définitivement entre le Cabinet de Sa Majesté et le Gouvernement de la République une entente relative à l'abolition de la juridiction Consulaire Anglaise en Tunisie, votre Excellence a bien voulu me marquer le désir de voir l'autorité Française user de clémence envers le Maltais Paï-Paï, récemment condamné à Tunis.

M. le Président du Conseil, auquel j'ai fait part de votre demande, me déclare aujourd'hui, M. le Comte, de vous exprimer son bon vouloir en ce qui concerne Paï-Paï, et m'annonce que le Gouvernement est tout disposé à provoquer sa grâce. Malheureusement, le détenu a fait appel devant la Cour de Cassation de Paris, et, pour cette raison, le Ministère ne saurait prendre l'initiative d'une mesure de clémence qu'il pourrait repousser.

Il y aurait lieu, en conséquence, d'engager le Sieur Paï-Paï à saisir le Gouvernement Français d'un recours en grâce qui impliquerait l'existence de sa culpabilité. C'est à la suite de cette démarche que le détenu serait certain d'obtenir une mesure de clémence de la part de M. le Président de la République.

Veillez, &c.
(Signé) WADDINGTON.

Mr. Broadley to Mr. Reade.—(Communicated to Earl Granville by Mr. Reade, December 3.)

My dear Mr. Reade,

Bradpole, Bridport, December 30, 1883.

I AM sorry to hear of the restriction as to the General Account of the English Esparto Company. The Board have tried to keep the account of the stock in the hands of the company, but the reason why they were not registered in 1870 is very simple. They were then in the form of unliquidated accounts current, and could not, for obvious reasons, be entered as specific contributions. It was only after the Board was brought to the notice of the Prime Minister, and it was only subsequently to that date that it was sought to throw the responsibility on the Government. I can understand the Tunisian authorities putting forward this plea as a defence, but it is no obstacle to any inquiry with a view to a settlement. Nor is it necessary to consider of these claims generally with a view to a settlement of the Revenue of the Government. It is only during our five years' negotiations with the Government that this has never been mentioned or even thought of. I am afraid this restriction will give the Beylical authorities a very lamentable advantage over Ben Ayad, and I still trust the English Government will endeavour to amend this clause in the arrangement.

Truly yours,
(Signed) A. M. BROADLEY.

Mr. Peel to Sir J. Pauncefoot.—(Received December 31.)

Sir,

Council Office, Whitehall, December 31, 1883.

I AM directed by the Lord President of the Council to transmit to you the enclosed Order of Her Majesty in Council of this day's date, annulling or setting aside the abandonment of the railway of 1st January, 1884, of Her Majesty's Consular jurisdiction in the Regency of Tunis, and I am to request that you will be pleased to lay the same before the Secretary of State for Foreign Affairs.

I am, &c.
(Signed) C. L. PEEL.

Inclosure in No. 266.

Order in Council, dated December 31, 1883.

At the Court at Osborne House, Isle of Wight, the 31st day of December, 1883

Present

THE QUEEN'S MOST EXCELLENT MAJESTY.
His Royal Highness PRINCE LEOPOLD, Duke of Albany.
LORD PRESIDENT.
SIR HENRY PONSONBY.

WHEREAS by Treaty, Capitulation, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has power and jurisdiction in the Regency of Tunis, and whereas the exercise of the power and jurisdiction aforesaid is now regulated by an Order of Her Majesty in Council, made the 12th day of December, 1873, and several amending Orders in Council, and by the Ottoman (Tunis) Order in Council of 1881, establishing Her Britannic Majesty's Court for Tunis; and whereas, by virtue of certain Laws of the French Republic and of certain Decrees of His Highness the Bey of Tunis, French Tribunals have been established in the Regency; and whereas, by a Decree of His Highness the Bey of Tunis, dated the 5th March, 1883, it is declared that the subjects of foreign Powers whose Consular Courts in the Regency shall be abolished, shall be justiciable by the said French Tribunals under the same conditions as French subjects, and whereas Her Majesty the Queen has consented to abandon her Consular jurisdiction, with a view to British subjects in the Regency becoming justiciable by the said French Tribunals under the same conditions as French subjects, and to the extent of the jurisdiction vested by law in the said Tribunals,

Now, therefore, Her Majesty, by virtue and in exercise of the Powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, or otherwise, in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:—

As regards all such matters and cases as come within the jurisdiction of the said French Tribunals, the operation of the Orders in Council regulating Her Majesty's Consular jurisdiction in Tunis shall cease to be in force and operation within the Regency on and after the 1st day of January, 1884, except as regards any judicial matters pending in Her Britannic Majesty's Court for Tunis on the day above mentioned.

And the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Treasury and the Lords Commissioners of the Admiralty are to give the necessary directions herein as to them may respectively appertain.

(Signed) C. L. PEEL.

No. 267.

Earl Granville to M. Waddington.

M. l'Ambassadeur,

Foreign Office, December 31, 1883.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 20th instant, in reply to mine of the 16th November last, which stated the conditions upon which Her Majesty's Government would be prepared to abolish British Consular jurisdiction in Tunis from the 1st proximo.

Your Excellency now informs me that your Government have no difficulty in accepting those conditions, and recapitulates the details of the arrangement to which the French Government gave their assent, in regard to the manner in which it is to deal with claims of British subjects in Tunis, referred to in the fourth reservation in my note of the 16th November, shall be dealt with.

I have now the honour to inform your Excellency that the arrangement thus proposed for disposing of the claims of British subjects as satisfactorily to Her Majesty's Government, and that they have taken the necessary measures for closing Her Majesty's Consular Courts for Tunis on the 1st January, except for pending cases, and such matters, if any, as may not be within the jurisdiction of the French Tribunals.

In your Excellency's letter no allusion is made to the claims of British subjects relating to land, it having been arranged that the mode of procedure agreed upon in those cases should form the subject of an exchange of notes.

I shall therefore have the honour of addressing a further communication to your Excellency with reference to those cases.

I have, &c.
(Signed) GRANVILLE.

No. 268.

Sir J. Parncefote to the Franco-English Tunisian Esparto Fibre Supply Company (Limited).

Sir,

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 18th instant, calling attention to the position of the Franco-English Tunisian Esparto Fibre Supply Company, and requesting the protection of Her Majesty's Government, and, in reply, I am to inform you that your statements shall receive attention.

I am, &c.
(Signed) JULIAN PARNCEFOTE.

Appendix.

No. 175^a.*Mr. Rende to Earl Granville.—(Received November 15.)*

(No. 55.)

My Lord,

Tunis, November 8, 1893

WITH reference to my despatch No. 52 of the 1st instant and the case mentioned in the 6th enclosure of that communication as pending between a British subject named Giuseppe Camilleri and certain of the authorities and subordinate officials of Porto Farina I have the honour to transmit to your Lordship the enclosed copies of all the correspondence that has passed between the French Residency and myself on the subject.

As already reported, the said authorities and subordinate officials took advantage of the temporary absence of the British subject to forcibly enter a store which he had been allowed to occupy for some time previously in the dilapidated and disused precincts of the arsenal, which formerly existed in the above town.

The reason given for this act of violence was that a search had to be made in the store for tobacco and gun powder, but why that search could not have been deferred until the occupant of the store returned from Tunis, where he was detained by the heavily-expected does not appear. Not finding either gunpowder or tobacco—the trace in which is a matter of moment—much else was seized, which it is permitted to anybody to traffic in, and, in order that the act or the aggression may appear to be justified a plea is set up that the goods seized could not have been imported except in contraband. No vessel is, however, mentioned as the one which conveyed those goods to Porto Farina, nor is it attempted to prove that they were landed from any ship at all. The seizure was consequently effected on the mere supposition of contraband.

It is moreover urged that the store entered formed part of a fort, and that being Government property and inviolated it could be visited at any time, and with out regard for the occupying tenant. Whether the premises in which the store is situated can rightly be called a fort is, it appears to me, immaterial. I may state, however, between parentheses that there is only one building at Porto Farina so designated, and that between it and what remains of the arsenal there is not even the remotest connection. Camilleri, like many others, was permitted to keep his goods there under lock and key, and although he appears not to have paid any fixed sum as rent it is known that the officer in charge of the building received doctours from him as an equivalent. In the absence of any formal understanding about the rent, the matter was perhaps little to be questioned at any time, but that he was also able to have his tenement invaded and his property confiscated in the manner already related it is impossible to conceive.

It is hardly necessary I should state that in this country no domiciliary visit or execution upon property of a foreign subject can take place in tenements or in shops occupied by him, except by order or with the acquiescence of the Consular authority. This rule has been consecrated by International Treaty and long-established usage, and I do not hesitate to affirm that any deviation from it would, in the actual state of this country's administration, lead to consequences of a baneful nature to our interests. Cases which it has been my duty to submit to your Lordship's notice, and others about which I am still engaged in what I fear is a hopeless controversy with my French colleague, show the little regard that is now paid by the ruling authorities to the rights of property, and there is no doubt a very marked and increasing tendency to expropriate private property is discernible in the powers that be.

Your Lordship will pardon me for referring to the French intervention as the cause of much of the difficulties I experience in the transaction of business with the Government. Had I been able to treat directly with the native Ministers and other functionaries of the Bey, in the matter which forms the primary subject of this despatch, I have no doubt I should, long ago, have succeeded in coming to a satisfactory solution. My Italian colleague, with an even more numerous colony to watch over than I have, has frequently assured me that all his grievances with the Tunisian

Government are promptly redressed; and a corresponding state of things I have found to exist at Sfax and other parts of the Regency, where British subjects appear—in the European community—as the only or principal victims of arbitrary government. The more fortunate situation of Italian subjects can only be attributed to the circumstance that French intermediation has not been admitted by their Government.

Although holding office as the Bey's Minister for Foreign Affairs, M. Cambon appears generally as an uninterested medium of communication with His Highness' Governmental Administration. The consequence is that the replies given to my applications for redress are almost invariably couched in negative or evasive terms. The functions of Government, which, until recently, were essentially those of determining causes submitted to it, have given place to a system of advocacy and partisanship which tends greatly to protract negotiation, and renders all efforts to arrive at a prompt and satisfactory solution of differences nugatory.

To obtain the punishment of an official in the Bey's service has become a hopeless matter, as, however culpable and flagrant his conduct, the Government never fails to defend him. Of this, I can, if necessary, mention various instances. In the present case, there is no doubt the Khalifa or Vice-Governor of Porto Farina, Sid Abdallah-el-Kuruy, is mainly responsible, as, without his authority, the perquisition complained of could not have taken place; nor could the notaries who assisted, on the same occasion, have acted without his express permission. I may add that he (the Khalifa) is a man of bad reputation, and that, although he has been several times discharged from his post, he appears to be held in favour by the French Bureau Arabe.

I have only to suggest, in conclusion, that, in the event of continued unwillingness on the part of this Government to afford reparation for the present outrage, arbiters be named to assess the amount of indemnity due to the British claimant.

Whether any further satisfaction will be necessary, on account of the political character of the offence committed, I will not presume to determine.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 175*.

Mr. Reade to Baron d'Estournelles.

Sir,

I HAVE the honour to place before you the accompanying copy of a letter which I have received from M. Charles Pietri, Avocat, on behalf of Joseph Camilleri, a British subject, complaining that a store belonging to him at Porto Farina was, some days ago, broken open and entered by Agents of the Tobacco Monopoly, who, it is alleged, obtained an order to that effect from the Military Commandant of that place.

Particulars are given in the inclosed Petition as to the results of the search, and a request put forward for restitution of the articles seized.

I feel, however, it is incumbent in me to demand that some formal notice may be taken of the conduct of the officer under whose immediate authority the violation of the British subject's domicile took place.

It is scarcely necessary I should add that, apart from all other considerations, no search can be effected inside the premises which are occupied by a British subject, for tobacco or any other article, without the consent previously obtained of Her Majesty's Consular authority.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 2 in No. 175*.

M. Pietri to Mr. Reade.

M. le Consul-Général,
EN ma qualité d'avocat de M. Camilleri (Joseph), négociant à la Goulette, j'ai l'honneur de vous exposer ce qui suit.

Le 4 Juillet dernier trois individus se disant les Agents de la Régie des Tabacs se sont présentés devant le Kalifa de Porto Farina pour lui demander l'autorisation

d'ouvrir un magasin appartenant à Mr. Camilleri et dans lequel, disaient-ils, se trouvait de la poudre. Le Kalifa refusa l'autorisation demandée. Mais le Commandant du détachement Tunisien, auquel ils s'adressèrent, fit droit à leur demande. La porte du magasin a été enfoncée par un serrurier qui avait été requis. Au lieu de poudre on a trouvé de l'ail, que les Agents ont confisqué.

Le magasin a été refermé et la clef en a été confiée au Commandant Tunisien.

En cette circonstance le Commandant Tunisien a violé le Traité intervenu entre son Gouvernement et le Gouvernement Anglais, en vertu duquel aucun Agent de l'Administration Beylicale ne peut pénétrer dans une maison ou dans un magasin appartenant à un sujet Anglais sans en avoir au préalable demandé l'autorisation au Consul d'Angleterre, et c'est en présence d'un Dragon du Consulat et du propriétaire de la maison ou du magasin que la perquisition doit être faite.

Le Commandant Tunisien devait refuser l'autorisation qu'on lui demandait et renvoyer les Agents de la Régie des Tabacs devant le Consulat d'Angleterre, car il n'avait point qualité pour accorder cette autorisation.

Je me permets donc de signaler à votre attention cette violation flagrante du Traité afin qu'une réparation soit demandée au Gouvernement Tunisien.

En ce qui touche la perquisition faite dans le magasin par les Agents de la Régie des Tabacs, je vous ferai remarquer que ces Agents n'avaient point qualité pour rechercher et saisir la poudre; ils ne peuvent que saisir le tabac introduit en contrebande. Par conséquence, ils n'étaient pas plus en droit de confisquer l'ail qui était dans le magasin de mon client que la poudre qui aurait pu s'y trouver.

Cet ail a été acheté à Porto Farina et devait être transporté à la Goulette et à Tunis. Je ne pense pas qu'il soit défendu à un commerçant d'avoir de l'ail en dépôt dans son magasin, à moins qu'il ne soit prouvé qu'il l'ait reçu de l'étranger contrairement aux règlements aujourd'hui en vigueur, et c'est à l'autorité compétente qu'incombe le soin de faire cette preuve. Cette preuve n'a pas été faite.

En conséquence, je viens vous prier, M. le Consul-Général, de vouloir bien demander à qui de droit la levée de la saisie, et la restitution de la marchandise, qui a été illégalement confisquée à Mr. Camilleri par des Agents qui n'avaient point qualité pour opérer cette saisie, sans préjudice de la réparation qui est due en raison du dommage éprouvé par mon client, et pour l'obtention de laquelle je sollicite votre intervention.

Veuillez, &c.
(Pro Joseph Camilleri),
(Signé) CHARLES PIETRI, Avocat.

Inclosure 3 in No. 175*.

Mr. Reade to Baron d'Estournelles.

Sir,

WITH reference to my letter of the 14th ultimo, complaining on behalf of a British subject named Giuseppe Camilleri, of a store in his occupation at Porto Farina having been forcibly broken into and entered by Agents of the Tobacco Monopoly, under, as it is alleged, an order from the military authorities at that place, I have received a further Petition from the complainant, of which I beg herewith to inclose a copy, begging that, in view of the perishable nature of the merchandize seized, and the fact of its not being of the kind that was sought for, the same may be at once restored to him, in which case, and pending the result of the inquiry which you tell me has been set on foot in the matter, the complainant would, of course, be responsible for the possession, or, if necessary, presentation hereafter of the merchandize.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 4 in No. 175*.

M. Pietri to Mr. Reade.

M. le Consul-Général,

J'AI l'honneur de solliciter encore une fois votre intervention énergique pour que la marchandise qui m'a été confisquée à Porto Farina me soit restituée le plus tôt possible.

Tunis, le 11 Août, 1883.

J'ai été victime, dans cette affaire, d'un acte arbitraire commis par les Agents de M. Missoul, Directeur de la Régie des Tabacs, et je ne puis supporter plus longtemps les conséquences de cet acte.

Tout en me réservant mon recours contre qui de droit, je vous serai très reconnaissant de vouloir bien demander à ce que la marchandise confisquée indûment me soit restituée immédiatement.

Veuillez, &c.
(Pro Joseph Camilleri),
(Signé) CHARLES PIETRI, *Avocat Défenseur.*

Inclosure 5 in No. 175°.

Baron d'Estournelles to Mr. Reade.

M. l'Agent et Consul-Général, Tunis, le 14 Août, 1883.
J'AI l'honneur de vous transmettre ci-joint un Rapport de M. Rousseau, Président du Conseil d'Administration des Revenus Concedés, qui répond à la réclamation formulée par le Sieur Joseph Camilleri.

Agrées, &c.
(Signé) D'ESTOURNELLES.

Inclosure 6 in No. 175°.

M. Rousseau to Baron d'Estournelles.

M. le Chargé d'Affaires, Tunis, le 13 Août, 1883.
EN réponse à la réclamation du Sieur Joseph Camilleri que vous m'avez transmise par votre lettre du 18 Juillet dernier, j'ai l'honneur de vous exposer ce qui suit.

Les gardiens chargés par les monopoles du sel et du tabac de la surveillance des plages, ayant eu connaissance que des marchandises avaient été débarquées en contrebande et déposées dans un des magasins situés à l'intérieur du fort de Porto Farina, demandèrent aide et assistance aux autorités Tunisiennes pour y exercer une perquisition.

Celles-ci après avoir reconnu que les magasins en question étaient bien une dépendance du fort et devaient être considérés comme domoile Tunisien, accordèrent à ces Agents le concours qu'ils sollicitaient.

Il résulte, en effet, des procès-verbaux de constatation qui ont été dressés en cette circonstance et remis ensuite au Conseil d'Administration, que la perquisition a été autorisée par le Kalfi, et accomplie en présence du Commandant du fort. Dans ces conditions il semble avoir été bien établi que ces magasins n'appartiennent pas à Mr. Camilleri, et qu'il n'y a pas eu, par suite, violation des Traités Internationaux.

Mais en tout cas, si une irrégularité a été commise, elle ne saurait être attribuée à la faute des Agents relevant de notre Administration.

Quant aux marchandises dont la susdite perquisition a amené la découverte et la constatation et qui ont été séquestrées entre les mains de l'autorité locale, elles se composent de 300 kilog. de sel environ, et de 3,837 paquets d'ail.

Le sel ayant été importé et détenu au mépris du privilège du Monopole, c'est à bon droit que le fermier en réclame la confiscation.

La saisie de l'ail est tout aussi régulière et légale, et la Douane ne peut admettre qu'il soit restitué, car il a été introduit non seulement en fraude des droits d'entrée, mais encore en violation du Décret du 26 Rebia El Aoul, 1300, qui frappe de prohibition les fruits et légumes frais.

La provenance étrangère de cet ail a été dûment constatée, ainsi qu'il appert des susdits procès-verbaux; on ne saurait d'ailleurs la mettre en doute—

1. Parce que les environs de Porto Farina ne produisent pas d'aussi fortes quantités de ce légume;

2. Parce que les qualités exotiques sont parfaitement reconnaissables et distinctes des qualités indigènes.

Pour ces motifs le Conseil repousse la demande du Sieur Camilleri et se réserve de demander au Comité Exécutif que le sel soit confisqué au profit du Monopole, et que le

Gouvernement de Son Altesse dispose de l'ail comme il l'entendra, en exécution du Décret spécial sur la matière.

Veuillez, &c.
Le Président du Conseil,
(Signé) J. ROUSSEAU.

Inclosure 7 in No. 175°.

Mr. Reade to Baron d'Estournelles.

Sir,

Tunis, August 17, 1883.

I HAVE the honour to acknowledge the receipt of your official letter of the 14th instant, and of the copy of a Report therewith transmitted by M. Rousseau, President of the Administration of Conceded Revenues, with regard to the charges which Giuseppe Camilleri, a British subject, had put forward against some of the authorities of Porto Farina, and beg to inclose the complainant's reply to that Report.

To the remarks contained in the inclosed paper I feel I have little to add beyond an expression of a hope that they will be regarded as conclusive of the justice of the British subject's cause.

It will not have escaped your notice that however much we may differ from M. Rousseau in the mode of appreciating all the circumstances of the case, the main facts, as related in the Petition which accompanied my official letter of the 14th ultimo, are not denied by him.

There can, therefore, be no longer doubt as to the fact that a store in the occupation of a British subject was forcibly entered, without his consent or that of the Consular authority, and that this was done under direction of the local authorities, and for the mere purpose of gratifying the curiosity of Agents of the Tobacco Monopoly. It is, moreover, clear that, although search was made in that store for tobacco—and possibly also for gunpowder—potatoes, garlic, and some other articles of merchandize were alone found, and that, notwithstanding this circumstance and the fact that the possession and sale of garlic are permitted to everybody, and salt in small quantities is to be met with in almost every domestic household, a considerable parcel of the first-named article, and about 300 kilog. of the last were seized, on the mere suspicion of their having been disembarked in contraband some time previously.

You will, I think, agree with me that a more flagrant violation of law, custom, and International Treaty it is difficult to conceive, and I trust that orders may be given by the Tunisian Government for the immediate restitution to Giuseppe Camilleri of the merchandize so unjustly taken from him, and reimbursement of any losses consequent upon their seizure.

I venture also to hope the Tunisian Government will, in its wisdom, see fit to mark with severity its disapproval of the conduct of the authority responsible for the proceedings against which we have had, on the present occasion, to complain.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 8 in No. 175°.

M. Pietri to Mr. Reade.

M. le Consul-Général, Tunis, le 16 Août, 1883.

J'AI pris connaissance du Rapport de M. le Président du Conseil d'Administration des Revenus Concedés au sujet de l'affaire Camilleri, de Porto Farina, Rapport qui vous a été transmis par M. le Ministre Résident de France.

Relativement à la question des Traités Internationaux dont j'avais signalé la violation, je réponds que bien que le magasin appartienne au Gouvernement Tunisien, il était occupé par un sujet Anglais, et que du moment où le dit magasin était occupé par le Sieur Camilleri, les Agents de l'autorité devaient demander l'autorisation au Consulat d'Angleterre pour opérer la perquisition. Le Traité de 1863 a donc été violé.

Quant à la marchandise saisie, je ferai observer que les raisons données pour justifier la perquisition ne sont point sérieuses.

La présence des 300 kilog. de sel a causé aux Agents de M. Missul une émotion que je ne m'explique point. Ce sel est depuis longtemps dans le magasin de Mr. Camilleri, qui l'a déposé en cet endroit en attendant qu'il puisse l'employer à la salaison des anchois.

Quant à l'ail saisi, Mr. Camilleri est prêt à fournir la preuve qu'il a été acheté à Porto Farina, Ras-el-Jebel, et Aulia. L'Administration n'a qu'à ordonner une enquête pour se convaincre que Mr. Camilleri n'a point violé le Décret du 26 Rebi-el-Aoual, 1300.

Les procès-verbaux dressés par les Agents de M. Missul ne font point foi, et la preuve du contraire doit être admise. C'est ce que je demande au nom de mon client.

Veuillez, &c.
(Pro Joseph Camilleri),
(Signé) CHARLES PIETRI, Avocat Défenseur.

Inclosure 9 in No. 175*.

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général, Tunis, le 8 Keadah, 1300 (9 Septembre, 1883).

J'AI l'honneur de vous adresser la copie ci-jointe du procès-verbal de l'enquête ordonnée par le Gouvernement Tunisien à la suite de la réclamation que vous m'avez transmise par lettre du 17 Août dernier.

En communiquant cette pièce, le Gouvernement me fait observer que la perquisition incriminée a été faite dans un fort appartenant à l'Etat. Il ajoute qu'en l'occupant, sans aucun titre, un sujet étranger ne saurait donner à cet établissement militaire le caractère d'un domicile privé et surtout d'une habitation échappant à la juridiction locale.

Quant aux quantités de marchandises trouvées dans le fort, elles dépassent de beaucoup celles que comporte un approvisionnement particulier; je vous serai donc obligé de vouloir bien m'adresser, pour être transmis au Gouvernement Tunisien, les documents en la possession du plaignant, établissant qu'elles ne proviennent pas de contrebande.

Agréer, &c.
(Signé) PAUL CAMBON.

Inclosure 10 in No. 175*.

Procès-verbal by the Governor of Bizerta.

(Translation from the Arabic.)

ON the 20th Shawal, 1300 (23rd August), the Cadi of Bizerta proceeded to Porto Farina about the following affair.

On the 20th Shaban (1st July) four individuals presented themselves: Vincenzo Gonzales (an Italian); Giuseppe Portelli (a British subject); Salvo Buttigieg (a British subject); and Gioacchino Cordina (a British subject). They arrived in a boat, and declared they were guards of the coast, and they said they brought a letter for Francesco Mosca, the chief of the port (an Italian), but they could not find him. The letter was then given to his brother Alexander. This latter and the night guards then went to the Khalifa, Abdallah-el-Kurwy, and asked him for two watchmen to guard two stores in the military quarter, as they had heard there was contraband there. The watchmen asked for were given, and they were added to the guard who is always there, and all were told to be vigilant and to watch from a distance. On the following morning, the 30th of the month, Alexander and the watchmen presented themselves again before the Khalifa, and asked the latter to accompany them. They then went away and found the stores closed. The Khalifa did not go, as he said he had nothing to do with the stores, which were under military charge. When the Commandant, Ibrahim Kadri, was spoken to, he said that all the stores were open, and did not know that any of them were closed. At that moment Vincenzo, the son of Michele, the Maltese, joined them, and said that his father had the keys of one of the stores. The Commandant ordered him to bring the keys, and he brought them and opened the store. They entered, and found garlic and salt, and the appurtenances of

a boat. The watchmen and the representative of the Captain of the Port then presented themselves again to the Khalifa, and told him what they had found. They said also that the garlic and salt were contraband, and that they would keep possession of those articles; and they asked for two notaries to testify to all that took place. He gave them the two notaries and an officer of the Cadi's Court, and Mohamed Ben Abdallah-el-Kurwy, son of the Khalifa, also accompanied the party. They visited the store which was open, and found in it ten "waikis" of salt (about 300 kilog.) and 1,876 bundles of garlic. They then locked up the store, and the key was taken by the Commandant. Vincenzo said that he had taken possession of the store without any express order to that effect, as the stores were all open and unservicable, and the quarter in which they are situated was abandoned. They then asked Vincenzo to open the other store, but he answered that his brother-in-law, Luigi Grima, had the key, and he was at the Goletta. The Commandant and the watchmen and Vincenzo opened the second store, as they had done the first one. They had to open it by cutting the chain of the padlock. They brought also a carpenter, who assisted them, and they found garlic. The watchmen and the Captain of the Port then went to the Khalifa for two notaries to bear witness to what they were doing. He gave them the two notaries and the chief guard of the town, Ibrahim Ben Mohamed-el-Blanou, who, together with the watchmen and others, found 1,061 bundles of garlic. Then the Commandant locked up the store, and remained in possession also of the second key. The Military Commandant states that the quarter was abandoned, and could be made use of by anybody. When Francesco Mosca arrived other chains were added to the locks of the stores, and he kept one of the keys. In the evening the Cadi arrived, and accompanied Francesco Mosca to the stores. The latter subsequently removed the chain he had placed. The merchandize is still in the stores.

Inclosure 11 in No. 175*.

Mr. Reade to M. Cambon.

Excellency,

Tunis, September 13, 1883.

I BEG to acknowledge the receipt of your letter of the 9th instant, with reference to my communication of the 17th ultimo, regarding the case of the violation of a British tenement at Porto Farina by some Agents of the Tunisian authorities of that town.

I regret to say I am unable to accept the conclusions of your letter. In the first place, I submit that the allowed and recognized occupancy, for a protracted period, of a ruin (which may, it is true, be technically described as a fort) constitutes a domicile to all intents and purposes as against third parties, and, accordingly, I can see no justification whatever, for the seizure or confiscation of property belonging to a British subject on a mere supposition of contraband.

I still hope that after mature reflection you will see the propriety of some prompt and adequate satisfaction being given for the outrage complained of.

I have, &c.
(Signed) THOS. P. READE.

Inclosure 12 in No. 175*.

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général, Tunis, 20 Hodjja, 1300 (21 Octobre, 1883).

J'AI communiqué au Gouvernement Tunisien la protestation que vous m'avez fait l'honneur de m'adresser par lettre du 13 Septembre dernier, contre la saisie d'oignons et de sel appartenant au Sieur Camilleri, sujet Anglais, résidant à Porto Farina. Des nouveaux renseignements qui ont été recueillis il résulterait que ces denrées proviendraient bien de l'étranger; ce fait cependant étant contesté par l'intéressé, le Gouvernement Tunisien offre de s'en rapporter à la décision de deux experts: l'un nommé par l'Administration Financière, l'autre par le Sieur Camilleri. En cas de partage, son Excellence le Premier Ministre désignerait un tiers expert.

Je vous serai obligé de vouloir bien me faire connaître si le Sieur Camilleri accepte cette proposition.

Agréer, &c.
(Signé) PAUL CAMBON.

Inclosure 13 in No. 175*.

Mr. Reade to M. Cambon.

Tunis, October 23, 1883.

Excellency,

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 21st instant, in which, with regard to the late unauthorized and forcible seizure at Porto Farina of a parcel of garlic and salt belonging to a British subject named Giuseppe Camilleri, you communicate to me, on behalf of the Tunisian Government, an offer to submit the question as to whether the articles seized had been smuggled into the country or not, to surveyors representing the parties interested, with a proviso that, in the event of such surveyors disagreeing, an umpire selected by the Prime Minister should decide between the two.

The seizure of the said articles, although effected in a dilapidated and disused arsenal of the Government, having, for the reason that the magazine in which they were stored had for some time previously been occupied by the British subject, with the knowledge of the local authorities, been illegally executed, and not consummated at a time when those articles were in the act of being smuggled into the country, I regret it is not in my power to accept the proposal you are so good as to communicate to me in the name of the Tunisian Government.

I have, &c.

(Signed)

THOS. F. READE.